

Court No. 24

29.01.2021

(Item No. 81)

(AB)

W.P.A 5242 of 2020

Asish Koley

vs

Howrah Zilla Parishad & Ors.

Mr. Soumen Bhattacharjee

...for the Petitioner

Mrs. Monjuli Choudhuri

Mrs. Tina Biswas

..... For respondent Nos. 1 & 2

Mr. Aswini Kumar Bera

.... For respondent 5 & 7

Affidavit of service filed on behalf of the
petitioner is taken on record.

The petitioner alleges illegal and unauthorized
construction without a sanction plan in L.R. Dag No.
1658, R.S. Dag No. 1633, L.R. Dag No. 1657, R.S. Dag
No. 1632, Mouza- Kolorah (Part), J.L. No. 20, Police
Station Domjur, District Howrah.

The petitioner has made a representation
before the respondent authorities by a letter dated
19.02.2020. The petitioner alleges that no steps have
been taken by the respondent authority for
consideration of his representation.

The learned advocate appearing on behalf of
the private respondent submits that he has
constructed a tin shed in the said premises for which
no permission is required to be taken under law. The
private respondent relies upon Chapter 4 of the
Howrah Zilla Parishad bye laws 2005.

The learned advocate for the petitioner denies the contention of the private respondent, that only a tin shed has been constructed therein. It has been submitted that Pucca construction has been made in the said premises.

The learned advocate appearing on behalf of the Howrah Zilla Parishad does not have any instruction in the matter.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent nos. 1 & 2 Howrah Zilla Parishad and the District Engineer, Howrah Zilla Parishad to consider and dispose of the representation made by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, within a period of eight weeks from the date of communication of a copy of this order. The said respondents shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the

petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation made on 19.02.2020 to the aforesaid respondents at the time of communicating the order of the Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)