

S/L 36
19.03.2021
Court. No. 24
suwayan

WPA 7687 of 2021

Ujjwal Maity & Anr.
Vs.
Contai Municipality & Ors.

(Through Video Conference)

Mr. Rudranil De
Mr. Jiaul Haque

...for the Petitioners.

Mr. Rajarshi Basu
Mr. K. M. Hossain

...for the State.

Mr. Kaushik Chatterjee
Mr. Nilanjan Adhikari
Ms. Sreya Chakraborty
Ms. Tarunika Pal
Ms. Pragnya Chatterjee

...for the Respondent No.2.

None appears on behalf of the private respondent.

The track report showing service of the postal envelope upon the private respondents contains the remark 'item on hold addressee absent'.

In view of the order that I intend to pass, no useful purpose be served by keeping the writ petition pending and the private respondents will also not be prejudiced in any manner whatsoever.

The petitioners complain of illegal and unauthorised construction by the private respondents without leaving mandatory side open spaces. The

petitioners claim to have made a representation before the Contai Municipality and allege that the said representation has not been considered by the respondent authority till date.

The learned Advocate appearing on behalf of the Contai Municipality submits that the representation has been filed by the petitioners very lately and without giving proper time to the respondent authority to consider the representation, the writ petition has been filed in Court.

It appears from the documents annexed to the writ petition that there is a civil suit pending in between the parties. An order of status quo has also been passed in the said title suit.

As it appears that the representation alleging the unauthorised construction without leaving the mandatory side open spaces is pending consideration at the end of the Contai Municipality accordingly, the instant writ petition is disposed of by directing the respondent No.2 being the Administrator of Contai Municipality to consider and dispose of the representation made by the petitioners before the respondent No.2 on 15th March, 2021, preceded by the representation dated 12th March, 2021, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the

petitioners, at the earliest, but positively within a period of twelve weeks from the date communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioners, immediately thereafter.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

The petitioners are directed to forward a copy of the representations dated 12th March, 2021 and 15th March, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 7687 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)