

Item No.8

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

14.06.2021
Ct-24

WPA 9623 of 2021
Indranil Mukherjee & Ors.
v.
State of West Bengal & Ors.

Mr. Koustav Bagchi
Mr. Debayan Ghosh
... for the petitioners.

Mr. Piyush Roy
... for the private respondent.

Affidavit-of-service filed in Court is taken on record.

None appears on behalf of the Municipality.

The petitioners allege illegal and unauthorized construction being carried on at Holding No. 50 of Dr. B.C. Roy Road, Noapara, Ward No. 4, Garulia.

The petitioners complain that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

As it appears that the representation of the petitioners 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 no. 2, Garulia Municipality to consider and dispose of the representation made by the petitioners 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 of 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.

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.

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 petitioners are directed to forward a copy of the representation dated December 19, 2020 received by the Garulia Municipality on 7th January, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 9623 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)