

Court No. 24

13.04.2021

(Item No. 57)

(AB)

W.P.A 6656 of 2020

+

I.A. No. CAN I of 2020

(old No. CAN 5511 of 2020)

(via video conference)

Nepal Chandra Baidya & Anr.

vs

The Rajpur-Sonarpur Municipality & Ors.

Mr. Sankar Prashad Dalapati

Mr. Satyajit Mahata

..... for the petitioners

Mr. Mir Anuruzzaman

..... For the Municipality

The learned advocate appearing for the petitioners submit that the respondent No. 5, Sri Dilip Naskar is the person responsible for making construction over the plot in question on the basis of the permission granted by the owner of the property Smt. Debosree Sarkar.

The copy of the writ petition which was served upon the respondent No. 5 has been returned with the endorsement "insufficient address".

The petitioners allege unauthorised construction by the respondent No. 5.

In view of the order that I propose to pass no useful purpose will be served by keeping the writ petition pending and no prejudice will be caused to any of the parties.

It appears that the petitioners have objected to the raising of illegal construction by a representation dated 20th March, 2020. The petitioners complain that

the objection has not been considered by the Rajpur-Sonarpur Municipality till date.

This Court by an order dated 14th September, 2020 directed the Municipality to visit the locale and submit a report as to whether there exists any unauthorized construction or not. The said report has not been filed till date.

As it appears that the objection filed by the petitioners is pending consideration before the Municipality, accordingly the instant writ petition is disposed of by directing the Rajpur-Sonarpur Municipality, through the concerned officer, to conduct an inspection at the locale and to take necessary steps if any unauthorized construction is detected. Any step in the matter shall be taken after giving an opportunity of hearing to the petitioners and all other necessary parties 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 20th March, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition along with the connected application being CAN 1 of 2020 stands disposed of.

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

(Amrita Sinha, J.)