

14.06.2021
SL No. 19
Court No. 24
(P.M.)

WPA 10561 of 2021

**Khagendranath Naskar
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Uday Sankar Chattopadhyay
Mr. Santanu Maji
... for the petitioner

Ms. Sipra Majumder,
Ms. S. Bhattacharya
... for the State.

Affidavit of service filed in Court is taken on record.

The petitioner alleges illegal and unauthorised construction by the private respondent.

None appears on behalf of the Baruipur Municipality or the private respondent despite service.

The petitioner made a complaint before the Municipality alleging unauthorised and illegal construction. The learned advocate appearing on behalf of the petitioner submits that in response to the complaint filed by the petitioner a hearing was conducted by the Municipality on 7th June, 2021. It has been submitted that the fate of the hearing has not been communicated to the petitioner till date.

There is nothing on record to show that hearing, as claimed by the petitioner, was conducted by the Municipality on the date as mentioned.

Accordingly the instant writ petition is disposed of by directing the Municipality to take necessary steps in

response to the complaint received by the Municipality on 13th May 2021, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, at the earliest, but positively within a period of three months from the date of communication of a copy of this order. The Municipality shall pass a reasoned order and communicate the same to all the necessary parties 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 petitioner.

The petitioner is directed to forward a copy of the representation received by the Municipality on 13th May,

2021 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 10561 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.

(**Amrita Sinha, J.**)