

S/L 6
09.07.2021
Court. No. 19
GB

W.P.A. 10813 of 2021

Samir Kumar Bhattacharjee
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Subrata Bhattacharya,
Mr. Alen Felix.*

...for the Petitioner.

Mr. Uttiya Roy.

...for the Respondent Nos.6 & 7.

Mr. S. Banerjee.

...for the Municipality.

The petitioner alleges illegal construction by the respondent nos.6 and 7. Attention is drawn to the representation dated January 21, 2019, wherein the factum of such illegal construction has allegedly been recorded by the petitioner. It is submitted that the Administrator, Burdwan Municipality has not disposed of the said representation and has failed to take steps in accordance with law against the alleged illegal construction.

Mr. Roy, learned advocate appearing on behalf of the respondent nos.6 and 7 submits that the said application at page 25 is not a representation against any illegal construction. It is an application requesting the authorities concerned to recall the order of demolition, which the petitioner had suffered.

From the records, I do not find that any representation or complaint has been made against any illegal construction allegedly made by the respondent nos.6 and 7.

Mr. Banerjee, learned advocate appearing on behalf of the municipality submits that the petitioner himself has violated the building rules while making his own construction. That the petitioner has not come with clean hands. To refute such argument of Mr. Banerjee, the petitioner submits that the petitioner has already been favoured with an order of injunction from a civil court against the alleged demolition of the petitioner's property.

Be that as it may, as there is nothing on record to show that the petitioner has filed any objection with regard to the alleged illegal construction being carried on by the respondent nos.6 and 7, no order can be passed in this writ petition.

The petitioner shall be at liberty to approach the authorities in accordance with law. If the petitioner approaches the authority, then the authority shall take expeditious steps and dispose of any complaint filed by the petitioner upon giving an opportunity of hearing to the petitioner as also to the respondent nos.6 and 7. A reasoned order should be passed and communicated to all concerned. The entire exercise should be completed within a period of ten weeks from date of receipt of any representation/complaint by the petitioner.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)