

S/L 15
29.09.2021
Court. No. 19
GB

WPA 12891 of 2021

Sri Santosh Das
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Syamal Kumar Das,
Ms. Smita Pal.*

...for the Petitioner.

*Mr. Rajarshi Basu,
Sk. Musior Rahaman.*

...for the State.

*Mr. Triptimoy Talukder,
Mr. Diptomoy Talukder,
Mr. Abhiraj Tarafdar,
Mr. Shamba Chakraborty.*

...for the Municipality.

*Mr. Mainak Ganguly,
Mr. Abhishek Singh.*

...for the Respondent No.6.

The petitioner alleges unauthorized construction by the respondent no.6 on Premises No.27, Criper By-Lane, under Ward No.12 of Konnagar Municipality. A representation had been filed before the Chairman, Konnagar Municipality on July 5, 2021 alleging that the construction was beyond sanction plan.

Mr. Ganguly, learned advocate appearing on behalf of the respondent no.6 submits that the petitioner has not come before this Court with clean hands and has corrected a deed by alleging that the errors which have been corrected were mere typographical errors. He submits that the proceeding before this Court is a counter-blast to the resistance posed by

the respondent no.6, when the petitioner sought to encroach into an alleged common passage. The petitioner has already filed a suit with regard to his premises and also with regard to the disputed passage. It is for the suit court to decide whether the passage belongs to the petitioner or is a common passage.

This Court does not need to go into the question of any boundary dispute or title dispute with regard to the said property in question as also the passage in question.

This Court is of the opinion that the competent authority of the Konnagar Municipality, which is now under the Board of Administrators, shall dispose of the representation of the petitioner dated July 5, 2021 in accordance with law upon hearing all the parties. An inspection shall be made in presence of the parties. A report shall be handed over to the parties and on the basis of a hearing given to the parties, the said proceeding shall be reached to its logical conclusion. This order shall only be restricted to the consideration as to whether the respondent no.6 had deviated from the sanction plan while making the construction. A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of four months from date of communication of this order.

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.)