

02.07.2021
SL No. 7
Court No. 24
(P.M.)

**WPA 7688 of 2020
With
IA CAN 1 of 2020**

**Abusalay Md. Nurul Nabi
Vs
Basirhat Municipality & Ors.
(Via Video Conference)**

Mr. Tulsidas Ray
Mr. Tirthankar Roy
... for the petitioner

The petitioner alleges illegal and unauthorised construction by the private respondent without leaving any mandatory side open spaces. The petitioner filed a representation before the Basirhat Municipality on 16th June, 2020 followed by a notice demanding justice dated 12th September, 2020 and complains that none of the representations have been considered by the Municipality till date.

None appears either on behalf of the Municipality or the private respondent.

Affidavit of service filed in Court is already on record.

As it appears that the representation of the petitioner 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 nos. 1 and 2 to consider and dispose of the representation made by the petitioner strictly

in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, 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 petitioner, 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 unauthorised 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 petitioner 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 dated 16th June, 2020 followed by a notice demanding justice dated 12th September, 2020 to the

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

WPA 7688 of 2020 along with CAN 1 of 2020 are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)