

10.02.2021
SL No.8
Court No.24
(P.M.)

WPA 8680 of 2020

Koushik Banerjee
Vs.
Ranaghat Municipality & Ors.

Mr. Srijib Chakraborty,
Mr. Avirop Mondal,
Mr. Anand Jha
... for the petitioner

Ms. Achintya Kumar Banerjee,
Ms. Indumouli Banerjee
... for the Ranaghat Municipality.

The petitioner alleges illegal construction being carried on at R.S. Dag No. 1202, 1203, 1204 and 1207 R.S. Khatian No. 6047 and 6048, subsequently L.R. Dag No. 4470, 4471, 4472 and 4476, L.R. Khatian No. 41725, J.L. No. 155, Mouja Ranaghat, Municipal Holding No. 31 Dey Choudhury Street, Ward No. 03, Under Ranaghat Municipality.

The specific case of the petitioner is that no plan has been sanctioned by the Ranaghat Municipality for making the construction in the above premises.

The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

Learned advocate representing the Ranaghat Municipality submits, upon instruction, that a plan has already been sanctioned in favour of the private respondent bearing No. 416/RM/PWD dated 25.02.2020. The learned counsel further submits that the Municipality is not aware

whether the construction is being made in compliance of the sanction plan or in deviation thereof.

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 No. 1 to consider and dispose of the representation made by the petitioners, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioners, 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.

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 petitioners.

The petitioner is directed to forward a copy of the representation dated 1st October, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 8680 of 2020 stands 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.)