

04.03.2021
SL No. UL with 121
Court No.24
(P.M.)

WPA 8739 of 2020
Goutam Manna
Vs.
The State of West Bengal & Ors.

Mr. Sanjib Seth
... for the petitioner

Mr. Animesh Paul,
Ms. Fatima Hassan
... for the private respondent

Ms. Manjuli Chowdhury,
Ms. Mekhla Sinha
..... for Howrah Zilla Parishad

This matter was directed to appear along with WPA 700 of 2021. Though the file has been tagged with WPA 700 of 2021 the case has not been printed in the cause list today. All the parties in both the writ petitions are represented. The matter is accordingly treated as on day's list and disposed of in the manner herein below.

The petitioner alleges illegal and unauthorised construction being carried on by the private respondent in R.S. Dag No. 1993, L.R. Dag No. 2124, Mouza Jagadishpur, Police Station Liluah, District – Howrah without a sanction plan and by encroaching the land of the petitioner.

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

The private respondent disputes the allegation of unauthorised construction. It has been submitted that the

construction has been made long back in accordance with the plan sanctioned by the Howrah Zilla Parishad.

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. 3, District Engineer, Building Department, Howrah Zilla Parishad 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 28th September, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 8739 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.)