

Item No. 123

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

04.02.2021
Ct-24

W.P.A.9269 of 2020
Mangal Barla
v.
The State of West Bengal & Ors.

Mr. Rajdeep Bhattacharya
Mr. S. Siddique
Ms. Sevanti Roy
... for the petitioner.

Mr. Bibek Jyoti Basu
Mr. Kapil Gula
... for the State.

Ms. Manjuli Chowdhury
Ms. Mekhla Sinha
Ms. Tina Biswas
... for Howrah Zilla Parishad.

The petitioner alleges illegal and unauthorized construction being made in the ten feet wide common passage on the Plot Nos. 2 & 3, SMPC Residential Complex, S.T.C. Road, P.O.-Bhattanagar, P.S.-Liluah, Howrah, 711 203.

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

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. 10 and 11 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.

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 October 13, 2020 to the aforesaid respondents at the time of communicating the order of the Court.

WPA No. 9269 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(**Amrita Sinha, J.**)