

S/L 21
19.03.2021
Court. No. 24
suwayan

WPA 9670 of 2020

Biswajit Bhattacharjee
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Partha Pratim Roy
Mr. Dyutiman Banerjee

...for the Petitioner.

Mr. Debjit Mukherjee
Ms. Rupsa Chakraborty

...for the State.

None appears on behalf of the Jangipur Municipality and the private respondent despite service.

The grievance of the petitioner is that the private respondent is making additional floors than that sanctioned by the Jangipur Municipality in his favour in Plot No.841 (L.R.), Mouza Raghunathgunj, J.L. No.6, Ward No.17 (J.M.), P.S.-Raghunathgunj, District-Murshidabad.

The specific case of the petitioner is that he has been intimated under the Right to Information Act by the Jangipur Municipality that sanction has been granted to construct a G+2 storied building whereas the private respondent is making additional floors beyond the sanction granted.

The petitioner raised a formal objection before the Chairperson of the Jangipur Municipality on 17th

July, 2020 and he complains that the same has not been taken into consideration till date.

As it appears that the Municipal authority has intimated the petitioner that only G+2 storied building has been sanctioned and the petitioner claims that the private respondent is constructing additional floors accordingly, the instant writ petition is disposed of by directing the respondent no.5 being the Board of Administrators of the Jangipur Municipality to take steps in response to the complaint filed by the petitioner on 17th July, 2020 and upon consideration of the intimation provided to the petitioner on 4th August, 2020 under the Right to Information Act, 2005, upon giving an opportunity of hearing to the petitioner and the private respondent herein, in accordance with law, at the earliest, but positively 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 the petitioner and the private respondent 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.

WPA 9670 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Amrita Sinha, J.)