

Court No. 24

15.02.2021

(Item No. 13)

(AB)

W.P.A 9878 of 2020

Ratna Shome

vs

Rajpur-Sonarpur Municipality & Ors.

Mr. Sanjay Mukherjee

Md. Ghalib Rizwan

...for the Petitioner

Mr. Ashim Kumar Routh

Mr. Mir Anuruzzaman

..... For respondents

Affidavit of service filed on behalf of the petitioner is taken on record.

The petitioner alleges illegal and unauthorized construction being carried on by one Shambhu Shaw, respondent No. 6 herein in R.S. Dag No. 138, R.S. Khatian No. 1118, J.L. No. 47, Mouza Barhans Fartabad, P.S. Narendrapur (formerly, Sonarpur) District – South 24-Parganas, Ward No. 29 and the Municipal premises/holding No. 1412, Garia Station Road, Kolkata – 700 084 under the Rajpur-Sonarpur Municipality.

According to the petitioner, the construction is being made without obtaining any sanction from the Municipality.

The learned advocate representing the Municipality does not have any instructions in the matter.

None appears on behalf of the private respondents.

The petitioner has made a representation before the respondent authorities by a letter dated 07.11.2020. The petitioner alleges that no steps have been taken by the respondent authority for consideration of his representation.

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, Rajpur Sonarpur Municipality 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 made on 07.11.2020 to the aforesaid respondent at the time of communicating the order of the Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)