

Item No.21

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

15.02.2021  
Ct-24

W.P.A.11436 of 2020  
Israt Begum  
V  
The State of West Bengal & Ors.

Sk. Rejaul Alam  
... for the petitioner.

Mr. Dilip Kumar Sinha  
... for the respondent nos. 6 & 7.

Mr. Debjit Mukherjee  
Ms. Rupsha Chakraborty  
... for the State.

The petitioner alleges illegal and unauthorized construction being made in deviation of the sanctioned plan in Plot No. 748, Khatian Nos. 1546 and 1547, J.L. No. 204, Mouza-Gumai under the Panskura Municipality.

None appears on behalf of the private respondent. Affidavit-of-service filed in Court today is taken on record.

The learned advocate representing the Panskura Municipality submits, upon instruction, that on receipt of the complaint

from the petitioner a stop work notice was issued in favour of the private respondent. The Municipality is however not aware as to whether construction is being made in violation of the stop work notice issued to the private respondent.

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. 5, being the Panskura Municipality to consider and dispose of the representation made by the petitioner on 24<sup>th</sup> November, 2020 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 November 24, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 11436 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.**)