

Court No. 24

26.02.2021

(Item No. 18)

(AB)

W.P.A 11932 of 2020

Bimal Kumar Mondal

vs

The State of West Bengal & Ors.

Mr. Salil Kumar Maiti

..... for the petitioner

Mr. Supriyo Chattopadhyay

Mr. Sudip Kumar Maiti

Ms. Saswati Adhikary

..... For the Haldia Municipality

Mr. Bhabani Prasad Mondal

Mr. Sukanta Mondal

.... For respondent Nos. 9 & 10

Ms. Sipra Mazumdar

Ms. Prativa Ghatak

..... for the State

Affidavit of service filed in Court today is taken on record.

The petitioner alleges illegal and unauthorized construction by the private respondents over Plot No. 349/812, Mouza – Brajanathchak, J. L. No. 196, ward No. 22 under the jurisdiction of Haldia Municipality.

The petitioner complains that the objection made 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 no.2, the Haldia Municipality

to consider and dispose of the representation made by the petitioners, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioners, 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.

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 petitioners are directed to forward a copy of the representation dated 01.12.2020 to the aforesaid respondent at the time of communicating the order of the Court.

Since there is a prima facie observation by the Municipality that there has indeed been certain

unauthorized construction, accordingly, the private respondents are restrained from making any further construction over the disputed plot of land till a decision is taken by the Municipality in this regard. The Officer-in-charge, Chiranjibpur Police Station, being the respondent no. 6 herein is directed to ensure compliance of the restraint order as passed herein above.

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

(Amrita Sinha, J.)