

23.02.2021
SL No.126
Court No.24
(P.M.)

WPA 11934 of 2020

**Sakina Akhan @ Khatun
Vs.
The State of West Bengal & Ors.**

Mr. Wasim Raj Sardar
... for the petitioner

Mr. Animesh Das
Mr. Dipankar Ghosh
... for the respondent No. 8.

Ms. Manjuli Chaudhuri,
Ms. Tina Biswas
... for the Zilla Parishad.

Mr. Ranjit Rajak
.... For the State

The petitioner alleges illegal and unauthorized construction without sanction plan being made by the private respondent No. 8 in the premises being L.R. Dag No. 3006, L.R. Khatian No. 12449 Mouja Bankra. The petitioner alleges that the land in question is recorded as 'bagan' in the record of rights.

The petitioner complains that the objection dated 16th December, 2020 made against such illegal construction has not been considered by the respondent authorities till date.

The learned advocate appearing for the Zilla Parishad does not have any instruction in this matter.

The learned advocate representing the private respondent submits that he is reconstructing the

dilapidated structure which is standing over the said plot of land.

It appears from the submission of the parties that there is a civil suit pending before the learned Civil Judge, 4th Court, Junior Division at Howrah in Title Suit No. 1478 of 2019 wherein an injunction order was passed directing both the parties to maintain status quo as regards the nature and character, title and possession of the suit property.

The learned advocate for the private respondent has failed to produce or show any permission/sanction granted in his favour by the Howrah Zilla Parishad for making construction/reconstruction over the said plot of land.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 3 being the District Engineer, Howrah Zilla Parishad to consider the representation made by the petitioner on 16th December, 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.

As the private respondent No. 8 admitted in court that there is no sanction plan/permission for making the construction/reconstruction, the said respondent is restrained from making any further construction over the said plot of land, till a decision is taken by the respondent No. 3 in response to the complaint lodged by the petitioner. The respondent No. 6 being the Inspector-in-Charge, Domjur Police Station is directed to ensure compliance of this order.

WPA 11934 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)