

M/L 82  
04.7.2022  
Court No.24  
SD

WPA 1005 of 2021

Nupur Das Poddar & Ors.  
Vs.  
The Barrackpore Municipality & Ors.

*Mr. Rahul Karmakar*  
*Mr. Saptarshi Kr. Mal*

*...for the Petitioners.*

Affidavit of service filed by the petitioner in Court today be kept with the records.

The petitioners allege that the respondent nos.6 to 9 are responsible for making construction by way of illegal projection of the tin shed in the premises being Holding No.96(86), Chandra Master Road, Ward No.4, Barrackpore Municipality within the jurisdiction of the Barrackpore Municipality.

The petitioners objected to such illegal construction by filing representation before the Barrackpore Municipality through their learned advocate in December 2020 and allege that the same has not been taken up for consideration till date.

As it appears that the representation of the petitioners 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 being the Barrackpore

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 three months 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 petitioners 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 unauthorized 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 petitioners 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 December 15, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

Accordingly, the writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

**(Amrita Sinha, J.)**