

Item No. 49+50

21.12.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 21028 of 2022
Smt. Sanjira Mondal & Anr.
v.
The State of West Bengal & Ors.
with
WPA 1982 of 2022
Sri Jayanta Kumar Saha
v.
The State of West Bengal & Ors.

Mr. Rameswar Sinha
Mr. Golam Mohammad
... for the petitioners
in WPA 21028 of 2022.

Mr. Sandipan Banerjee
Mr. Sobhan Majumder
... for the respondent nos. 12 to 16.
in WPA 21028 of 2022.

Mr. Subhabrata Datta
Mr. Banibrata Datta
... for the State in WPA 21028 of
2022.

Mr. Sandipan Banerjee
Mr. Sobhan Majumder
... for the petitioner in WPA 1982 of 2022.

Mr. Sarbananda Sanyal
Ms. Poulami Chakraborty
.. for the respondent no. 8 in WPA 1982 of 2022.

Mr. Sudipto Panda
Mr. Simanta Kabir
... for the State in WPA 1982 of 2022.

Smt. Sanjira Mondal and Korban Middya filed the writ petition alleging illegal and unauthorized construction made by Sri Alok Saha, Jayanta Kumar Saha, Asim Saha, Manu Saha and Mousumi Bhattacharya at Dag No. 631/1039, J.L. No. 21, Mouza-

Katwa corresponding to Holding No. 66, Ward No. 5, District Purba Bardhaman under the jurisdiction of the Katwa Municipality.

The specific allegation is that construction was made contrary to the municipal laws. Objection filed by the aforesaid Smt. Sanjira Mondal dated July 19, 2022 is yet to be disposed of.

A separate writ petition has been filed by Jayanta Kumar Saha alleging that Korban Midya, Smt. Sanjira Mondal and Miss Mamata Mondal made construction of boundary wall without obtaining any permission from the Katwa Municipality.

The objection filed on behalf of Jayanta Kumar Saha through the learned advocate in January 2022 is yet to be disposed of.

None appears on behalf of the Katwa Municipality.

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

As it appears that the representation of the petitioners in both the writ petitions 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 petitions pending.

The writ petitions are accordingly disposed of by directing the Board of Councillors, Katwa Municipality to consider and dispose of the representation made by the petitioners in both the writ petitions 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 representations of the petitioners.

The petitioners are directed to forward a copy of their respective representations dated January 24, 2022 and July 19, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.