

ML 90
05.07.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 2877 of 2021

**Raju Bhandari
-versus
The State of West Bengal & Ors.**

**Mr. Amitavo Pain,
Mr. Sanjoy Bhattacharya.
...For the Petitioner.**

**Mr. Jahar Dutta,
Mr. Bipin Ghosh.
...For the State.**

**Mr. Subhendu Bandyopadhyay.
...For the Respondent
Nos. 9 and 10.**

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

The petitioner alleges illegal and unauthorized construction by the respondent nos. 9 and 10 in respect of the property at Mouza-Chandannagore, J.L. No. 01, Ward No.-5, Holding No. 462 under the jurisdiction of the Chandannagore Municipal Corporation.

The petitioner made repeated representations before the Commissioner of the Chandannagore Municipal Corporation starting from 10th December,

2020 and alleges that none of the representations were taken up for consideration by the Corporation.

After service a copy of the writ petition upon the Corporation, the men and agents of the Corporation inspected the disputed site and have forwarded a report to the petitioner wherefrom it appears that there has been unauthorized construction in the aforesaid premises.

It has been submitted that even after detection of the unauthorized construction, the Corporation did not take any steps for demolition of the same.

Learned advocate appearing for the respondent Nos. 9 and 10 denies and disputes the submissions made on behalf of the petitioner.

It has been submitted that no new construction has been made and only renovation work was going on in the said premises. Presently no construction is going on.

It appears from the documents placed before this Court that the Corporation did conduct an inspection but it does not appear that the said inspection was conducted by serving any notice upon the persons at whose instance the construction is being made.

Accordingly, the men and agents of the Chandannagore Municipal Corporation are directed to conduct a fresh spot inspection upon notice to all the necessary parties and thereafter take a decision with regard to the allegation of unauthorized construction at the instance of the respondent Nos. 9 and 10.

The respondent Nos. 3 and 4 are directed to decide the representation filed by the petitioner alleging unauthorized construction at the earliest, after giving the reasonable opportunity of hearing to all the necessary parties within a period of twelve weeks from the date of communication of a copy of this order and pass a reasoned order and communicate the same to all the parties 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 respondents 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 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 inspection report dated 18th January, 2021 along with the representation filed by the petitioner dated 10th December, 2020 to the aforesaid respondents 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.

(Amrita Sinha, J.)