

M/L 100
05.7.2022
Court No.24
SD

WPA 5095 of 2021

Sudip Kumar Sanyal
Vs.
State of West Bengal & Ors.

Md. Yusuf Ali

...for the Petitioner.

Mr. Tarun Kr. Ghosh
Ms. Debarati Sen (Bose)

...for the State.

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

The petitioner alleges illegal and unauthorized construction by the respondent no.7 over the plot being Dag No.1210, Khatian No.710, Mouza-Beldanga, J.L. No.51, Block – Beldanga-I, Ward No.10 under the jurisdiction of Beldanga Municipality.

The petitioner objected to such unauthorized construction by filing representation on September 5, 2016 followed by reminder dated December 28, 2020 and alleges that none of the representations have been considered till date.

None appears either on behalf of the Beldanga Municipality or the respondent no.7 at whose instance the unauthorized construction has been made.

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.4 being the Beldanga Municipality to consider and dispose of the representation made by the petitioner 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 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 representations dated September 5, 2016 and December 28, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

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.)