

Sl. No.93
13.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 6080 of 2022

Sri Subinoy Pal
Versus
The State of West Bengal & Ors.

Mr. Surya Prasad Chattopadhyay
Mr. Shreya Chakraborty
Mr. Ankit Chatterjee
... for the petitioner
Mr. Debjit Mukherjee
Mr. Susanit Chatterjee
... for the State
Mr. Rajendra Chaturvedi
... for the Rishra Municipality

None appears on behalf of the respondents.

Affidavit of service filed in Court is taken on record.

In view of the order that I propose to pass, the respondent no.6 will not be prejudiced in any manner whatsoever.

The petitioner claims to be the sole and absolute owner of the property being holding No.56/1/B, and 56/1/A, N. C. Pakrashi Lane, Rishra under the jurisdiction of the Rishra Municipality.

The petitioner alleges that the respondent no.6 is making construction just beside the boundary wall of the petitioner in such a manner that the water pipe line of the petitioner has been damaged.

The petitioner made representation before the Municipality on 5th March, 2021 and alleges that the same has not been taken into consideration till date.

Accordingly, the instant writ petition is disposed of directing the Rishra Municipality, being the respondent no.2 herein, to take steps to consider and dispose of the representation dated 5th March, 2021 at the earliest after giving opportunity of hearing to the petitioner and all other necessary parties.

The aforesaid respondent shall pass a reasoned order upon consideration of the representation positively within a period of twelve weeks from the date of communication of this order.

The said respondent shall communicate the reasoned order 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 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 representation dated 5th March, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition 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.)