

Item No. 31

27.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 6408 of 2022
Lord Jagannath Jew & Other Deities
v.
The State of West Bengal & Ors.

Mr. Koushik Chatterjee
Mr. Nilanjan Adhikari
... for the petitioner.

Mr. Jahar Datta
Mr. Jaladhi Das
... for the State.

Mr. Supriya Chattopadhyay
Mr. B.P. Singh
... for the respondent nos. 7 to 10.

The petitioner complains that the respondent nos. 7 to 10 were making unauthorized construction at premises no. 222/A, G.T. Road (Mashir Bari) P.O. Mahesh and P.S. Serampore, District-Hooghly under the jurisdiction of the Serampore Municipality.

A complaint was filed before the Municipality in April 2022. The same is yet to be considered.

Learned advocate representing the respondent nos. 7 to 10 submits, upon instruction that, construction was initiated in accordance with the provisions of the West Bengal Municipal Act after the time period for considering the application for sanction expired.

None appears on behalf of the Serampore Municipality despite service.

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

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. 2 being the Serampore 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 petitioner 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 petitioner 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 April 1, 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.

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(Amrita Sinha, J.)