

Sl. No.30
24.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 7471 of 2022

Dibakar Safui
Versus
State of West Bengal & Ors.

Mr. Pijush Chaturvedi
Mr. Lakshmi Nath Bhattacharyya
... for the petitioner
Ms. Jayeeta Sinha
Mr. Sandip Mondal
... for the State
Mr. Bapin Baidya
... for the private respondent

The matter relates to Dag No.1141 under Kultali Police Station. The petitioner complains of unauthorised construction made on the said plot of land and prays for a direction upon the Pradhan to initiate steps for demolition.

Learned advocate representing the private respondent relies upon an order dated 4th July, 2022 passed by the Hon'ble Division Bench in a Public Interest Litigation filed by one Goutam Adhikari being WPA(P) 221 of 2022 in respect of the self-same plot of land.

The Hon'ble Division Bench was pleased to dispose of the writ petition directing the District Magistrate to consider the representation filed by the petitioner therein (Goutam Adhikari) with regard to allegation of unauthorised construction over the said plot of land. The

District Magistrate was directed to give due hearing to all the concerned parties and to carry out enquiry, if required on the land in question, to ascertain whether any unauthorised construction has been made thereon. The Court further directed that if any unauthorised construction is found then steps shall be taken to remove the same in accordance with law.

Be it recorded that a civil suit being T. S. No.302 of 2020 is pending in between the petitioner and the private respondent in respect of a portion of the aforesaid plot and an order of injunction has also been passed.

It appears that the grievance of the petitioner may be redressed if the order passed by the Hon'ble Division Bench is complied by the District Magistrate.

Accordingly, the District Magistrate is directed to take steps in terms of the direction passed by the Hon'ble Division Bench on 4th July, 2022 and afford an opportunity of hearing to the petitioner at the time of conducting enquiry. A reasoned order be passed and communicated to the parties immediately thereafter.

It is made clear that ownership of the land is not an issue in the present writ. Consideration is to be restricted only with regard to unauthorized construction.

Supplementary affidavit filed in Court is taken on record.

The writ petition stands disposed of.

Affidavit of service filed in Court is taken on record.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)