

Sl. No.32
27.09.2022
Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 7974 of 2022

Md. Anish
v.
The State of West Bengal & Ors.

Mr. Sanjib Seth

... for the petitioner

Mr. Shyamal Chakraborty

Mr. Debajyoti Mondal

... for the respondent no.13

Mr. Sandipan Banerjee

Mr. Santanu Chatterjee

Mr. Sobhan Majumder

... for the Howrah Municipal Corporation

The petitioner complains of illegal and unauthorised construction at the instance of the respondent nos.8 to 20.

The petitioner alleges that the representation before the Howrah Municipal Corporation has not been taken up for consideration till date.

Learned advocate representing the respondent no.13 denies the allegation of unauthorised construction.

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.3, the Commissioner, Howrah Municipal Corporation or its delegate 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 12 weeks 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 unauthorised 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 22nd April, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

Affidavit of service filed in court is taken on records.

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.)