

Sl. No.37
30.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8623 of 2022

Maris Kachhap @ Morish Kachhap
Vs.
The State of West Bengal & Ors.

Mr. Amit Ranjan Roy

... for the petitioner

Mr. Rajarshi Basu

Mr. Parikshit Goswami

... for the State

Mr. Santanu Chatterjee

... Asansol Municipal Corporation

The petitioner alleges illegal and unauthorised construction at the instance of the respondent no.5. It is the specific stand of the petitioner that the private respondent was making construction without obtaining any plan sanctioned from the Asansol Municipal Corporation.

Affidavit of service filed in Court today does not prove service of writ petition upon the respondent no.5.

None appears on behalf of the Asansol Municipal Corporation.

Mr. Santanu Chatterjee, learned advocate who usually represents the Asansol Municipal Corporation is present in Court. He is requested to enter appearance on behalf of the Asansol Municipal

Corporation. The Asansol Municipal Corporation is directed to regularise the engagement of Mr. Chatterjee.

As it appears that the representation filed by the petitioner is pending consideration at the end of the Asansol Municipal Corporation, accordingly, no useful purpose will be served by keeping the writ petition pending. The private respondent will not be prejudiced if the writ petition is disposed of as hereunder.

The writ petition is accordingly disposed of by directing the concerned officer of the Asansol Municipal Corporation 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 1st December, 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 be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)