

49 & 50
20.12.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 10156 of 2022

**Manoranjan Gayen
-versus
The Haldia Municipality & Ors.**

With

W.P.A. 17182 of 2022

**Sri Nimai Bhunia
-versus-
The State of West Bengal & Ors.**

**Mr. Tanmoy Chakraborty,
Mr. Chhandak Dutta.
...For the Petitioner and
in WPA 17182 of 2022 for the
respondent Nos, 6 & 7.**

**Mr. S.M. Hassan,
Ms. Aivupama Yasmin.
...For the Municipality.**

**Mr. Satyajit Mondal,
Mr. Amar Nath Sen,
Mr. Malay Dhar,
Mr. Shouvik Naskar.
...For the Respondent No.5 and
in WPA 17182 of 2022 for the
petitioner.**

**Mr. Moloy Singh,
Mr. Bibekananda Tripathy.
...For the State
in WPA 17182 of 2022.**

Manoranjan Gayen filed a complaint before the
Haldia Municipality on 23rd March, 2022 alleging illegal

and unauthorized construction over dag no. 692 made at the behest of the respondent No.5, Nimai Bhunia.

Nimai Bhunia filed a counter-complaint against Manoranjan Gayen alleging illegal and unauthorized construction at Dag No. 693 on 2nd July, 2022.

Though it appears from the submissions made on behalf of both the parties that a hearing was conducted by the Municipality in response to the complaint filed by the petitioner, Manoranjan Gayen but no formal order has yet been communicated to either of the parties. The complaint of Nimai Bhunia is yet to be considered.

As on date, there are two complaints lodged by the parties pending consideration at the end of the Haldia Municipality.

In view of the above, the writ petition is disposed of by directing the Board of Councillors, Haldia Municipality to consider and dispose of the representation dated 21st March, 2022 filed by Manoranjan Gayen and the representation dated 2nd July, 2022 filed by Nimai Bhunia strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner in both the writ petitions 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 learned advocate for the petitioners are directed to forward a copy of the representation dated 21st March, 2022 submitted by Manoranjan Gayen and the representation dated 2nd July, 2022 filed by Nimai Bhunia to the aforesaid respondent at the time of communicating the order of the Court.

The writ petitions stand disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)