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23.09.2022  
d.p.

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

**W.P.A 10643 of 2022**

**Ajoy Kumar Karmakar  
-versus  
State of West Bengal & Ors.**

**Mr. Sukanta Das,  
Mr. Snehasis Jana.  
...For the Petitioner.**

**Mr. Susanta Pal,  
Mr. Prabir Kumar Ray.  
...For the State.**

**Mr. Prasenjit Debnath  
...For the Respondent No.7.**

None appears on behalf of the Ghatal Municipality.

Learned advocate for the respondent No.7 submits that he has filed Vakalatnama in the department vide filing No. A-20336 dated 19<sup>th</sup> September, 2022. The department is directed to tag the same with the records.

The petitioner alleges illegal and unauthorized construction at the instance of the respondent No. 7.

The petitioner complains that the representation filed against such unauthorized construction has not been taken up for consideration till date.

Learned advocate appearing for the private respondent submits that the respondent No.7 is not the person responsible for making construction. The construction was made by the father of the respondent No.7 under the 'house for all' scheme.

It has been submitted that the father of the respondent No.7 has not been impleaded as party respondent in the present writ petition.

The information provided under the Right to Information Act mentions that no plan has been sanctioned in favour of the respondent No.7.

According to the learned advocate appearing for the respondent No. 7, necessary permission has been granted in favour of the father of the respondent No.7 for making 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. 2 being the Ghatal 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 21<sup>st</sup> March, 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.

**( Amrita Sinha, J.)**