

**Sl. No.16**  
**05.07.2022**

Court No.24  
B.M.

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

**WPA 10987 of 2019**

**Chandana Sana & Ors.**  
**v.**  
**State of West Bengal & Ors.**

Mr. Debabrata Mondal  
Mr. Sreetama Neogi  
... for the petitioner  
Mr. S. Bandopadhyay  
Mr. Arka Kumar Nag  
Mr. Tirthankar Dey  
... for the Bidhannagar Municipal Corporation  
Mr. Asok Kumar Ganguly  
... for the respondent no.7  
Mr. Manas Kundu  
Mr. Debjit Samanta  
... for the State

Learned advocate representing the respondent no.7  
has filed his Vakalatnama in the department being filing  
No.A-11398 dated 04.07.2019.

The department is directed to tag the Vakalatnama  
with the records of the present case.

The petitioners allege illegal and unauthorised  
construction. An earlier writ petition was filed before  
this Court with similar allegation.

The said writ petition being W.P No.7891 (W) of  
2012 (Chapala Sana vs. State of West Bengal & Ors.)  
was taken up for consideration and the Court by order  
dated 7<sup>th</sup> February, 2013 disposed of the same by

directing the Board of Councillors of the Rajarhat Gopalpur Municipality to hear the parties and to take a decision in the pending case under Section 218 of the West Bengal Municipal Corporation Act, 1993.

It has been submitted by the learned advocate representing the private respondent that in compliance of the direction passed by the Court, a hearing was conducted on 17<sup>th</sup> May, 2017 by the Executive Engineer, Bidhannagar Municipal Corporation but the fate of the hearing has not been made known to the parties till date.

The petitioners thereafter in the year 2017 made further representation before the Bidhannagar Municipal Corporation under which the land in question presently falls. The same is yet to be considered and disposed by the Bidhannagar Municipal Corporation.

Accordingly, the writ petition is disposed of by directing the Bidhannagar Municipal Corporation to consider the representation filed by the petitioners in April, 2017 strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order. The aforesaid respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter. The Bidhannagar Municipal Corporation shall conduct a site inspection and give a reasonable

opportunity of hearing to all the parties prior to taking a final decision in the matter.

The Corporation is directed not to enter into private dispute in between the parties and will restrict the consideration only with regard to allegation of unauthorised construction.

The petitioners are directed to forward a copy of the representation dated 14<sup>th</sup> April, 2017 to the Bidhannagar Municipal Corporation at the time of communicating the order of this Court.

The writ petition stands disposed of.

Instruction given by the Block Land and Land Reforms Officer, Rajarhat, 24 Parganas (North), be retained with the records.

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

**( Amrita Sinha, J.)**