

Item No. 26

05.12.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13824 of 2021
B.N. Homes Properties Pvt. Ltd. & Anr.
v.
The State of West Bengal & Ors.

Mr. Anirban Das
Ms. Poulami Chakraborty
... for the petitioners.

Mr. P.K. Bhattacharya
... for the State.

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
Mr. Tirthankar Dey
... for BMC.

Mr. Asit Routh
... for the private respondents.

The petitioners complain of illegal and unauthorized construction at the behest of the respondent nos. 8, 9 and 10.

It has been submitted that the construction has been made without obtaining any sanctioned plan from the Bidhannagar Municipal Corporation. The objection filed by the petitioners is pending consideration till date.

Learned advocate representing the private respondents is not ready with proper instruction in the matter.

Learned advocate representing the Bidhannagar Municipal Corporation submits that the representation which has been filed has a lot of factual issues which cannot be adjudicated by the Corporation.

As it appears that the representation of the petitioners 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 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 petitioners 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 petitioners 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 petitioners are directed to forward a copy of the representation dated July 28, 2021 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.

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(Amrita Sinha, J.)