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19.09.2022
d.p.

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

W.P.A. 14710 of 2021

**Smt. Parul Rani Barik
-versus
The State of West Bengal & Ors.**

**Mr. Sukumar Barik.
...For the Petitioner.**

**Mr. Raghunath Chakraborty,
Mr. Aniruddha Mitra.
...For the Municipality.**

**Mr. Moloy Krishna Dey,
Mr. Subrata Ghosh.
...For the State.**

Affidavit-of-service and the notice showing service upon the private respondents filed in Court today are taken on record.

None appears on behalf of the private respondents in spite of service.

Leave is granted to the learned advocate appearing for the petitioner to correct the name of the respondent No.10 in the cause title of the writ petition.

The petitioner alleges illegal and unauthorized construction at the instance of the respondent Nos. 8, 9 and 10.

On receipt of a complaint filed by the petitioner, the Maheshtala Municipality issued a stop work notice in favour of Smt. Gouri Show on 23rd March, 2021.

The petitioner alleges that despite the stop work notice, the private respondents are continuing with the illegal construction.

The petitioner lodged a complaint before the Inspector-in-Charge, Maheshtala Police Station and also filed further complaint before the Municipality on 2nd August, 2021.

The petitioner alleges that the same has not been taken up for consideration till date.

In view of the order that I propose to pass, none of the parties will be prejudiced if the writ petition is disposed of in the following manner.

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. 3 being Maheshtala 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 2nd August, 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.

(Amrita Sinha, J.)