

Sl. No.45
23.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 14622 of 2022

Soumen Das & Anr.

vs.

The State of West Bengal & Ors.

Mr. Siva Prasad Ghose

... for the petitioner

Mr. Debasish Mallick Chowdhury

Mr. Sudarsan Roy

... for the respondent no.4

Mr. Sayamal Kumar Das

Ms. Krishna Yadav

... for Titagarh Municipality

Learned advocate representing the respondent no.4
has filed his Vakalatnama in the department being filing
No.A-20905 dated 23.09.2022.

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

The petitioners allege illegal and unauthorised
construction at the instance of the respondent nos.4 and
5. It has been submitted that construction is being made
without a sanctioned plan.

The petitioners complain that the representation
filed before the Municipality has not been taken up for
consideration till date.

Learned advocate representing the private
respondent denies the contention of the petitioners.

As it appears that a representation is pending consideration at the end of the Municipality no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent nos. 2 & 3 to consider and dispose of the representation made by the petitioners strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of 12 weeks 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 petitioners immediately thereafter.

In the event the aforesaid respondents are 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 unauthorised construction, in accordance with law.

The aforesaid respondents 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 respondents at the time of consideration of the representation of the petitioners.

The learned advocate for the petitioners is directed to forward a copy of the representation dated 27th June, 2022 to the aforesaid respondents at the time of communicating the order of the Court.

Affidavit of service filed in Court is taken on records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)