

Sl. No.51
07.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 15544 of 2022

Sri Anjan Bag
Versus
The State of West Bengal & Ors.

Mr. Ayan Mitra

... for the petitioner

Mr. Soumya Banerjee

... for the respondent no.3

Mr. Sanjib Kumar Mukhopadhyay

... for the private respondent nos.8 to 14

The petitioner alleges illegal and unauthorised construction at the premises no.82, D. D. Mondal Ghat Road, Dakshineswar, Kolkata-700 076 under the jurisdiction of the Kamarhati Municipality.

Learned advocate representing the private respondent at whose instance the construction is being made denies the allegation of the petitioner. It is the specific contention of the private respondents that construction has been made strictly in accordance with plan sanctioned by the Municipality.

Learned advocate representing the Municipality submits that a plan for constructing a G+5 storied building has been sanctioned by the Municipality.

The writ petition is accordingly disposed of by directing the respondent no.2, Kamarhati 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 twelve 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 parties including the petitioners 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 unauthorised 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 4th May, 2022 to the aforesaid

respondent 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.)