

Sl. No.9
31.10.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 15828 of 2022

Tanmoy Gayen
v.
The State of West Bengal & Ors.

Ms. Joyita Ray
... for the petitioner.

Mr. Rajarshi Basu
Mr. K.M. Hossain
... for the State.

None appears either on behalf of the Arambagh Municipality or the respondent no.5.

The petitioner alleges illegal and unauthorised construction at the instance of the respondent no.5. He complains that the representation filed before the Chairman of the Municipality is yet to be disposed of.

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.

The writ petition is accordingly disposed of by directing the respondent no.2 & 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 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 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 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 27th March, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

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.)