

Item No. 49

28.09.2022  
Ct-24

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 15997 of 2022

Barkat Ahmed  
v.  
The State of West Bengal & Ors.

Mr. Apalak Basu  
Ms. Pritha Bhaumic  
Mr. Sujon Das  
... for the petitioner.

Mr. Sirsanya Bandopadhyay  
Mr. Tirthankar Dey  
Mr. A.K. Nag  
... for BMC.

Mr. Jahar Dutta  
Mr. Bipin Ghosh  
... for the State.

The petitioner complains of illegal and unauthorized construction at the instance of the private respondents.

Learned advocate representing the Bidhannagar Municipal Corporation submits that on receipt of a complaint the Bidhannagar Municipal Corporation issued a show cause notice directing the private respondents to produce the documents in support of the construction.

The private respondents were instructed not to carry out any kind of construction in the said plot.

Learned advocate representing the Corporation further submits that as yet no cause has been shown by the private respondents in support of such construction.

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. 2 being the Bidhannagar Municipal Corporation 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 May 21, 2022 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.)**