

Sl. No.14
23.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16083 of 2022

Dr. Kartik Chandra Mandal
vs.
The State of West Bengal & Ors.

Mr. Malabika Saha

... for the petitioner

Mr. Tirthankar Dey

Mr. A. K. Nag

Mr. S. Banerjee

... for the Bidhannagar Municipal Corporation

Leave granted to the learned Advocate on Record of the petitioner to implead the Bidhannagar Municipal Corporation, the Commissioner and the Executive Engineer of the concerned borough of the Bidhannagar Municipal Corporation, as party respondents in the present writ petition.

A copy of the writ petition be handed over to the learned advocate representing the Bidhannagar Municipal Corporation in Court today.

None appears on behalf of the private respondent despite service.

Affidavit of service is already on record.

The petitioner alleges illegal and unauthorised construction by the private respondent in Anupama Housing Complex. A complaint was lodged by the

petitioner claiming to be a flat owner in the said Co-operative Housing Society. A representation was also filed by the Secretary of the Co-operative Housing Society before the Bidhannagar Municipal Corporation in September 2021. The petitioner alleges that the same has not been taken up for consideration till date.

Learned advocate representing the Bidhannagar Municipal Corporation is yet to receive instruction in the matter.

Without proper instruction from the Corporation it is not possible for the Court to decide the matter conclusively.

The writ petition is accordingly disposed of by directing the Commissioner, 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 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 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 September, 2021 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.)