

Sl. No.58
23.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16170 of 2022

Sekh Jiar Mohammad & Anr.
vs.
The State of West Bengal & Ors.

Mr. Mohinoor Rahaman
Mr. Maria Rahaman
Mr. Iqra Rahaman
... for the petitioners
Mr. Uttiya Ray
Mr. Arnab Mandal
... for the private respondent no.5
Mr. Subhasis Bandopadhyay
... for the Municipality
Mr. Jahar Datta
Mr. Bipin Ghosh
... for the State

The petitioners complain of illegal and unauthorised construction at the instance of the respondent nos.5 & 6.

The petitioners allege that the objection filed against such unauthorised construction before the Municipality has not been taken up for consideration till date.

Learned advocate representing the respondent nos.5 & 6 denies the contention of the petitioners.

It has been submitted that no unauthorised construction has been made. Only renovation is done by the private respondents.

On receipt of the complaint from the petitioners a stop work notice was issued by the Burdwan Municipality.

It appears that thereafter the Municipality did not proceed with the matter.

The representation of the petitioners is pending consideration till date.

As it appears that the representation of the petitioners objecting to the illegal and unauthorized construction 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 no.2 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 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 petitioners and all points are left open to be decided by the aforesaid respondent 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 21st 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.)