

Sl. No.60
23.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16376 of 2022

Netaji Trust & Anr.
vs.
State of West Bengal & Ors.

Mr. Rwitendra Banerjee

Mr. Shibasis Chatterjee

... for the petitioners

Mr. Arindam Das

Mr. Atanu Banerjee

... for the Berhampur Municipality

Mr. Ashok Kumar Jena

... for the private respondent

Mr. Manas Kundu

Mr. Debabrata Mondal

... for the State

The petitioners complain that the objection filed before the Berhampore Municipality alleging unauthorised construction at the instance of the private respondent has not been taken up for consideration till date.

Learned advocate representing the private respondent denies the contention of the petitioners. It has been submitted that construction is long over and the same has been made in accordance with the plan sanctioned.

It has further been submitted that newly constructed structure has been sold to respective purchaser.

Learned advocate representing the Municipality is yet to receive instruction.

As it appears that the representation of the petitioner 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 nos. 2 & 3 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 respondents shall pass a reasoned order and communicate the same to all the necessary parties including the petitioners immediately thereafter.

In the event the aforesaid respondents are 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 respondents 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 respondents at the time of consideration of the representation of the petitioners.

The learned advocate of the petitioners is directed to forward a copy of the representation dated 10th May, 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.)