

Sl. No.13
31.10.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 17124 of 2022

Gopal Shaw
v.
The State of West Bengal & Ors.

Mr. Soumyajit Bhatta
Mr. Zahid Ali Khan

... for the petitioners

Mr. Sipra Majumder
Ms. Sangeeta Roy

... for the State

The petitioner alleges that illegal and unauthorised construction has been made over holding No.33/1/4605/27, Ward No.35, Choto Srerampore East, Post Office-Narayanpur, Police Station-Jagatdal, presently Bhatpara without obtaining any plan sanctioned by the Bhatpara Municipality and by violating the statutory rules.

Complained filed by the petitioner on 23rd May, 2022 is yet to be considered and disposed of by the Municipality.

None appears on behalf of the Municipality despite service.

Affidavit of service filed in Court is taken on records.

The private respondent has been sought to be served but the registered envelope has returned with the remark, 'addressee cannot be located'.

The writ petition is accordingly disposed of by directing the respondent nos.2, 3 & 4 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 23rd 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.)