

02
30.09.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 17599 of 2022

**Samiran Jana
-versus
The State of West Bengal & Ors.**

**Mr. Rudranil De.
...For the Petitioner.**

**Mr. Nilanjan Adhikari.
...For the Municipality.**

**Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.
...For the State.**

**Mr. Malay Bhattacharyya,
Mr. Amit Baran Dash,
Ms. Ankana Sarkar.
...For the Respondent No.8.**

Affidavit-of-service filed in Court today is taken on record.

The grievance of the petitioner is that the construction has been made by the private respondent over the land which is recorded as “Jal” in the record of rights maintained by the State of West Bengal.

The petitioner alleges that the complaint filed before the Municipality on 8th July, 2022 has not been taken up for consideration till date.

Learned advocate appearing for the respondent No.8 denies the submission of the petitioner.

It has been submitted that the construction in question is existing for a considerable period of time. A civil Suit is pending in connection with the said plot of land.

The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

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.5 being the Board of Councillors, Contai Municipality 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 8th July, 2022 received by the Municipality on 11th July, 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.

(Amrita Sinha, J.)