

16.11.2022

Item No.22

Crt.No.24

b.r.

W.P.A 18523 of 2022

Sri Mrinmoy Sau

-vs-

The State of West Bengal & Ors.

Mr. Satyam Mukherjee

Mr. Soumyadeep Mukherjee

..... for the petitioner.

Mr. Susanta Pal

Mr. Ananda Dulal Sarkar

..... for the State.

Mr. Supriyo Ray Chowdhury

Mr. Sankar ghosh

.... For the Barasat Municipality.

Affidavit of Service filed in Court today be taken on record.

None appears on behalf of the respondent no.5 despite service.

The petitioner complains of illegal and unauthorised construction at the instance of the respondent no.5.

A representation filed by the petitioner against such unauthorised construction before the Barasat Municipality is yet to be considered.

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.2 being the Barasat 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 28th July, 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 upon compliance with all necessary formalities.

(Amrita Sinha,J.)