

Sl. No.90
13.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 19470 of 2021

Jayanta Kumar Sarkar
Versus
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee
... for the petitioners

None appears on behalf of the respondents.

Affidavit of service filed in Court is taken on
record.

In view of the order that I propose to pass none of
the respondents will be prejudiced if the writ petition is
disposed of.

The petitioner claims to be the owner of a piece
and parcel of land located in Mouza-Khudsol, Khatian
No.40, Dag No.77, Ward No.9 under Bankura
Municipality.

The petitioner alleges that the respondent no.6 is
making illegal and unauthorized construction beside
the plot of the petitioner in Uttar Arabindanagar, near
Chatta Bakery because of which the petitioner's free
ingress and egress has been obstructed.

The petitioner filed representation before the
Bankura Municipality in November, 2021 and alleges

that the same has not been taken into consideration till date.

Accordingly, the instant writ petition is disposed of directing the Bankura Municipality, being the respondent no.2 herein, to take steps to consider and dispose of the representation dated 22nd November, 2021 at the earliest after giving opportunity of hearing to the petitioner and all other necessary parties.

The aforesaid respondent shall pass a reasoned order upon consideration of the representation positively within a period of twelve weeks from the date of communication of this order.

The said respondent shall communicate the reasoned order to all the parties 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 22nd November, 2021 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.)