

Sl. No.23
26.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 19724 of 2021

Sulata Ghosh
Versus
The State of West Bengal & Ors.

Mr. Sutirtha Das

... for the petitioner

Mr. Sirsanya Bandopadhyay

Mr. Arka Kumar Nag

Mr. Tirthankar Dey

... for the Bidhannagar Municipal Corporation

Mr. Md. Shahjahan Hossain

Mr. Sanjida Sultana

... for the respondent no.6

Leave granted to the learned Advocate on Record of the petitioner to correct the description of the respondent nos.2, 3 & 4 in the cause title of the writ petition.

The petitioner alleges illegal and unauthorised construction at the instance of the private respondent.

It has been submitted by the learned advocate for the private respondent that a G+3 storied building meant for commercial use was sanctioned by the Corporation. Construction was complete long ago in accordance with the plan sanctioned. A completion certificate has already been issued by the Corporation.

Learned advocate representing the Bidhannagar Municipal Corporation submits, upon instruction that, a

notice of hearing has been issued. The party is yet to answer to the said notice of hearing.

The writ petition is accordingly disposed of by directing the respondent no.2, Bidhannagar Municipal Corporation, 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 11th June, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

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.)