

Sl. No.64
23.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 18976 of 2022

Pranata Kumar Mandal & Anr.
vs.
The State of West Bengal & Ors.

Mr. Balai Lal Sahoo
... for the petitioners
Mr. Nilanjan Adhikari
... for the Contai Municipality
Mr. Uttam Kumar Bhattacharyya
... for the respondent no.7
Mr. Rajarshi Basu
Mr. K. M. Hossain
... for the State

Affidavit of service filed in Court is taken on record.

The petitioners complain that the private respondent is making construction in violation of the plan sanctioned. It has been submitted that the chajja, septic tank and cantilever has been constructed in deviation of the plan sanctioned.

Learned advocate representing the private respondent denies the allegation of the petitioners.

The representation filed by the petitioners alleging unauthorized construction is pending consideration at the end of the Municipality.

As it appears that the representation of the petitioners objecting to the illegal and unauthorized construction is pending consideration at the end of the

Municipality, 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, The Contai Municipality, to consider and dispose of the representation made by the petitioners 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 petitioners 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 petitioners and all points are left open to be decided by the aforesaid

respondent at the time of consideration of the representation of the petitioners.

The petitioner is directed to forward a copy of the representation dated 3rd August, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The Contai Municipality shall ensure that none of the parties are permitted to make any construction in deviation of the plan that has been sanctioned.

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.)