

Sl. No.33
30.09.2022
Court No.24
SH

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 19234 of 2022

Subrta Dutta & Anr.
Versus
The State of West Bengal & Ors.

Mr. Dilip Kumar Maity
Mr. Prasanta Kumar Das
... for the petitioners

Mr. Himadri Sekhar Chakraborty
Ms. Susnita Saha
... for the State.

The petitioners complain of illegal and unauthorized construction at the instance of the respondent nos. 5 to 9.

The petitioners complain that the representation filed objecting to such unauthorized construction has not been taken up for consideration till date.

None appears either on behalf of the Municipality or the private respondents.

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

In view of the order that I propose to pass, none of the parties would be prejudiced if the writ petition is disposed as follows.

As it appears that the representation of the petitioners 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.3 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 petitioners 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 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 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 petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

Learned advocate for the petitioners is directed to forward a copy of the representation dated April 28, 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.**)