

Item No. 34

30.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 19292 of 2022

Tapas Das
-vs.-
The State of West Bengal & Ors.

Mr. Arindam Sen
Mr. Sagnik Bhattacharyya
...For the Petitioner.

Mr. Ashutosh Mukherjee
... for the private respondent.

Mr. Piyali Sengupta
Mr. Ratul Das
...For the State.

Mr. Mrityunjoy Goswami
Mr. Parikshit Goswami
... for the respondent nos. 2 & 4.

Leave granted to the learned advocate-on-record of the petitioner to implead the Madhyamgram Municipality and the Board of Councillors of Madhyamgram Municipality as party respondents. The formality of service of a copy of the writ upon the added respondents is dispensed with as learned advocate has already entered appearance on behalf of the Chairman and the Executive Officer of the said Municipality.

The petitioner complains of illegal and unauthorized construction at the instance of the private respondent.

The petitioner complains that the representation dated May 23, 2022 objecting to the unauthorized

construction has not been taken up for consideration till date.

Learned advocate representing the private respondent denies the contention of the petitioner.

It has been submitted that the construction has been made in accordance with the plan sanctioned by the Madhyamgram Municipality.

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. 8 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 May 23, 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.

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(Amrita Sinha, J.)