

Item No. 24

4.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 19569 of 2022
Bijay Bhowmick @ Bijay Kumar Bhowmick
v.
The State of West Bengal & Ors.

Mr. Subrata Mukhopadhyay
Ms. Kakali Dutta
... for the petitioner.

Mr. A. Bose
Mr. D. Mondal
Mr. Ashok Banerjee
Mr. N. Gupta
Mr. Arindam Poali
... for the respondent nos. 10-13.

None appears on behalf of the North Dum Dum Municipality despite service.

The original affidavit-of-service is readily not available. Photocopy of the same filed in Court today is taken on record.

The petitioner alleges that the complaint lodged against such illegal construction has not been taken up for consideration till date.

The private respondents deny the contention of the petitioner. It has been submitted that the private respondents were wrongfully ousted from the said premises and are presently residing there by making kancha construction.

In the absence of any representation from the North Dum Dum Municipality, the Court is not in a position to decide the issue conclusively.

The Executive Engineer of the North Dum Dum Municipality being the respondent no. 6 is directed to conduct a spot inspection within a period of four weeks from the date of communication of this order to ascertain as to whether any unauthorized construction has been made as complained of in the objection filed on behalf of the petitioner in December 2021.

Spot inspection shall be conducted upon giving prior notice to the petitioner as well as the private respondents and report of the spot inspection shall be forwarded to all the parties.

In the event the aforesaid respondent is of the considered opinion that 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 objection of the petitioner.

The petitioner is directed to forward a copy of the representation dated December 5, 2021 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.)