

Item No. 19

7.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 19683 of 2022
Kartick Chatik & Ors.

v.

The State of West Bengal & Ors.

Mr. Snehasis Jana
Mr. Sukanta Das
... for the petitioners.

None appears on behalf of the respondents despite service.

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

The petitioners complain of illegal and unauthorized construction at the instance of the private respondents. The petitioners submit that the private respondents were making illegal construction by filling up the water body. Representation dated April 29, 2022 followed by reminder dated July 25, 2022 has remained unanswered.

In the absence of the respondents the Court is not in a position to decide the issue conclusively.

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

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. 2 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 petitioners.

The petitioners are directed to forward a copy of the representation dated April 29, 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.)