

Sl. No.79
06.07.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20832 of 2021

Sekh Hapijul

vs.

The State of West Bengal & Ors.

Mr. Animesh Paul

... for the petitioner

The petitioner alleges illegal and unauthorised construction by the respondent no.8 on the L.R Plot No.525, Mouza-Satghoria, J. L. No.27, Police Station – Panchla, District-Howrah within the jurisdiction of Howrah Zilla Parishad.

The petitioner filed representation before the District Engineer, Howrah Zilla Parisad on 30th November, 2021 and alleges that the same has not been taken up for consideration till date.

None appears on behalf of the respondents despite service.

Affidavit of service filed in Court is taken on record.

Accordingly, the instant writ petition is disposed of by directing the District Engineer, Howrah Zilla Parisad being respondent no.3 herein, to take steps to consider and dispose of the representation which was filed on behalf of the petitioner on 30th November, 2021 at the

earliest after giving opportunity of hearing to the petitioner and all other necessary parties.

The aforesaid respondent shall pass a reasoned order upon consideration of the representation positively within a period of three months from the date of communication of this order.

The said respondent shall communicate the reasoned order to all the parties 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.

Learned advocate for the petitioner to forward a copy of the representation dated 30th November, 2021 to

the aforesaid respondent no.2 at the time of communicating the order of the court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)