

List dt.6.6.22
Item No. 136
13.06.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 18421 of 2019

**Sk. Amanullah
-versus
The State of West Bengal & Ors.**

**Mr. Sudhangshu Nath.
...For the Petitioner.**

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

The petitioner alleges illegal and unauthorized construction being carried on in a portion of the Plot No. 3851, Khatian No. 3396, J.L. No. 87 at Mouza-Banitabla, P.S.-Uluberia, Howrah.

The specific contention of the petitioner is that the plot is classified as a pond and the private respondents are making construction thereon without obtaining necessary permission for conversion of the classification of the said land and without obtaining any sanction from the Municipality.

There is also an allegation of encroachment by the private respondents over the land of the petitioner.

It has been alleged that the representation filed by the petitioner against such unauthorized construction has not been considered by the respondent authority till date.

As it appears that the representation filed by the petitioner alleging illegal and unauthorized construction over the aforesaid plot of land by filling up the water body is pending consideration at the end of the Uluberia Municipality, accordingly, the instant writ petition is disposed of by directing the respondent No.2 being the Chairman, Uluberia Municipality to consider and decide the representation filed by the petitioner, strictly in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties within a period of three months from the date of communication of a copy of this order and to pass a reasoned order and communicate the same 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 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 his representation dated 14th September, 2017 to the

aforesaid respondent 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.)