

Sl. No.15
09.11.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20856 of 2022

Anupam Das
versus
The State of West Bengal & Ors.

Mr. Supriya Chattopadhyay
Mr. Sudip Kumar Maiti

... for the Petitioner.

Mr. Arindam Chattopadhyay
Mrs. Lipika Chatterjee

... for the State

Affidavit of service shows that the postal article addressed to the private respondent has returned unserved with the endorsement 'addressee left without instruction'.

The petitioner complains of illegal and unauthorised construction at the instance of the respondent no.7. In response to the complaint lodged by the petitioner, Egra Municipality served notice dated 6th April, 2022 directing the parties to appear for hearing.

Learned advocate for the petitioner submits that on the scheduled date though the petitioner remained present and attended the hearing, but the private respondent failed to appear.

It has been submitted that since thereafter no steps have been taken by the Municipality to deal with

the unauthorised construction made by the private respondent. Further representation by the petitioner received by the Municipality on 7th April, 2022 has also not been answered.

The Municipality is not represented.

As it appears that the Municipality already issued notice of hearing, as such, it is incumbent for the Municipality to conclude the hearing in accordance with law.

The objection filed by the petitioner is pending consideration till date.

The writ petition is accordingly disposed of by directing the respondent no.2, Egra Municipality, 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 12 weeks 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 unauthorised 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 notice demanding justice dated 13th May, 2022 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, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)