

17
09.11.2022
d.p.

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

W.P.A 21013 of 2022

**Dilip Kumar Maiti
-versus
The State of West Bengal & Ors.**

**Mr. Suvro Prokash Lahiri,
Mr. Uttam Kumar Kamila,
Mr. Rajesh Naskar.
...For the Petitioner.**

**Mr. Tirthankar Dey,
Mr. A. K. Nag,
Mr. S. Banerjee.
...For BMC.**

**Mr. Biswabrata Basu Mallick,
Mr. Sanjb Das.
...For the State.**

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

None appears on behalf of the respondent nos. 10 to 16 in spite of service.

The petitioner complains of unauthorized construction at the Children's Park.

The objection filed by the petitioner before the Bidhannagar Municipal Corporation on 29th August, 2022 is yet to be considered.

Learned advocate appearing for the Bidnannagar Municipal Corporation submits that the records of the land in question was initially under the jurisdiction of the Rajarhat Gopalpur Municipality and after merging of the Municipality with the Bidhannagar Municipal Corporation, records are readily not traceable.

Time has been sought for consideration of the objection filed by the petitioner.

As it appears that the representation of the petitioner 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. 6 being the Bidhannagar Municipal Corporation 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 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 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 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 the representation dated 29th August, 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.

(Amrita Sinha, J.)