

18.
22-11-2022
debajyoti
(Ct. no.24)

WPA 22416 of 2022

**Sk Sanowyaj Uddin & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Amit Singh,
Ms. Shailaja Gupta
... For the Petitioners.

Mr. Md. Younush Mondal
... For the Private Respondents.

The petitioners allege illegal and unauthorized construction at the instance of the respondent nos.10, 11 and 12. The petitioners claim to be the co-owners of the property in question and complain that the private respondents are making construction without obtaining any sanctioned plan from the North Dum Dum Municipality. The objection filed by the petitioners before North Dum Dum Municipality in July, 2022 is yet to be disposed of.

Learned advocate representing the respondent nos.10, 11 and 12 denies the allegations of the petitioners. It has been submitted that construction is being made in accordance with the Pradhan Mantri Awas Yojna Scheme.

As it appears that the objection filed by the petitioner is pending consideration at the end of the North Dum Dum Municipality, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no.8 being the Board of Councillors, North Dum Dum Municipality 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 22nd July, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Amrita Sinha, J.)