

23.11.2022

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In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

W.P.A. 23231 of 2022

Sri Rajendra Kumar Verma

Vs.

State of West Bengal & ors.

Mr. Debasis Kar

Mr. Husen Mustafi

Mr. Subhajit Chowdhury

Mr. Arka Tilak Bhadra

... for the petitioner

Mr. Santanu Mitra

Mr. Somenath Basu

Mr. Hare Krishna Halder

... for the State

Mr. Dibyendu Chatterjee

Mr. Pritam Majumdar

... for the Municipality

Leave is granted to the learned Advocate on record for the petitioner to implead Bhatpara Municipality and the Board of Councillors, Bhatpara Municipality as party-respondents in the present writ petition. The formality of serving a copy of the writ petition upon the added respondents stands dispensed with as learned Advocate has already entered appearance on behalf of the Chairman of the Municipality.

The petitioner alleges illegal and unauthorised construction without a sanction plan at the behest of the respondent nos.3 and 4.

The petitioner complains that the objection filed against such unauthorised construction has not been taken up for consideration till date.

None appears on behalf of the respondent nos.3 and 4.

Learned Advocate representing the Bhatpara Municipality submits, upon instructions, that preliminary inspection reveals that the construction is being made without any sanction plan. The Municipality has issued notice to the persons responsible to forthwith stop construction work. It has been submitted that steps will be taken to deal with the unauthorised construction shortly.

It appears from the submissions made on behalf of the parties that the representation filed by the petitioner alleging unauthorised construction is pending disposal at the end of the Municipality.

The writ petition is accordingly disposed of by directing the Board of Councillors, Bhatpara 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 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 31st August, 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.)