

Item No. 31

23.11.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 23677 of 2022
Asraf Ali Thander @ Asraf Thander
-vs.-
The State of West Bengal & Ors.

Mr. Shahan Shah
Mr. Soumen Barman
... for the petitioner.

Mr. Jayanta Narayan Mahanty
... for the Municipality.

The petitioner complains of illegal and unauthorized construction. After receipt of a complaint from the petitioner, Maheshtala Municipality has served notice upon all the parties that the municipal team will visit the locale on Friday i.e. November 25, 2022 to enquire whether any unauthorized construction as alleged is going on at the site.

It appears from the aforesaid notice that the Municipality has acted in response to the complaint filed by the petitioner.

The parties are directed to remain present at the time of site inspection and point out the construction which according to them are either authorized or unauthorized.

Let the inspection report be served upon all the parties within a fortnight from the date of inspection.

The Municipality shall take a decision on receipt of the inspection report.

In the event the Municipality 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 writ petition stands disposed of.

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

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)