

Item No.22.
01.12.2022
suman
Ct. 24

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

W.P.A. 24769 of 2022

**Ramkrishna Samanta
-versus
The State of West Bengal & Ors.**

Mr. Soumik Ganguly
Mr. Lalratan Mondal
Mr. Dilip Kumar Sadhu
Mr. Sayan Roy
..for the petitioner
Ms. Sudipa Ray
Ms. Rupsa Chakraborty
..for the State

The petitioner complains of illegal and unauthorized construction over L.R. plot nos. 148, 149 and 150, Mouza Fakirpur, J.L. No.25 under the jurisdiction of Burdwan Municipality.

It has been submitted that construction has been made without a valid sanctioned plan over agricultural plots of land without obtaining necessary permission for conversion.

The petitioner alleges that the complaint lodged before Burdwan Municipality in September, 2022 has not been taken up for consideration till date.

None appears either on behalf of the persons responsible for making construction or the Burdwan Municipality, despite service.

Affidavit of service filed in Court is taken on record.

In view of the order that I propose to pass none of the parties would be prejudiced if the writ petition is disposed of in the following manner.

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.4 being the Board of Councilors, Burdwan 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 16th September, 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.)