

Item No. 51

10.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 24306 of 2019
Nirmal Dutta & Anr.
v.
State of West Bengal & Ors.

Mr. Riju Ghosal
Mr. Avishek Prasad
Ms. Jahanara Begum
... for the petitioners.

Mr. Tapas Kumar Adhikari
... for the State.

Mr. Sougata Mitra
... for the Municipality.

Mr. Sanjib Bandyopadhyay
... for the private respondents.

The petitioners allege illegal and unauthorized construction at the instance of the respondent nos. 6, 7 & 8 in the premises at 62/A, B.T. Sarkar Road, Ward No. 5 under the jurisdiction of the Purulia Municipality.

The petitioners allege that the objections raised against such illegal construction on May 22, 2019 and June 27, 2019 have not been taken up for consideration till date.

Learned advocate representing the private respondents alleges that construction is being made strictly in accordance with the plan sanctioned by the Municipality.

Learned advocate representing the Municipality submits upon instruction that there exists unauthorized construction at the site.

As it appears that the representations 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 nos. 2 & 3 to consider and dispose of the representations 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 respondents are 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 respondents 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 representations dated May 22, 2019 & June 27, 2019 to the aforesaid respondents 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.

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(Amrita Sinha, J.)