

List dt.6.6.22
Item No. 294
27.06.2022
d.p.

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

W.P.A. 10197 of 2020

**Kamal Qureshi
-versus
The State of West Bengal & Ors.**

**Mr. Md. Sarwar Jahan,
Mr. Anisur Rahaman,
Mr. Maidul Islam Kayal,
Mr. Sumit Naskar.
...For the Petitioners.**

**Mr. Raghunath Chakraborty.
...For the Municipality.**

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

None appears on behalf of the private respondents in spite of service.

The petitioner alleges illegal and unauthorized construction by the private respondents in respect of the land at Mouza-Jalkhura, J.L. No. 4, Khatian No. 7399, Dag No. 450 (L.R.), within Ward No. 22 of the Maheshtala Municipality, near slaughter house at Village-Uttar Jalkhura, Masjid Para, (Kasai para), within Ward No. 22, P.O. and P.S.- Mahestala, District-South 24- Parganas, Kolkata -700141.

The petitioner made representation before the respondent authorities on 21st September, 2020 and alleges that the same has not been considered by the respondent authorities till date.

Learned advocate appearing for the Maheshtala Municipality submits that there is a private dispute in between the parties.

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.2 being the Maheshtala 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 21st September, 2020 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.)