

List dt.6.6.22
Item No. 304
29.06.2022
d.p.

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

W.P.A. 10901 of 2020

**Sukhjan Begum & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Rwitendra Banerjee,
Mr. Sandip Kundu,
Mr. Devdutta Pathak.
...For the Petitioners.**

**Mr. Gobinda Chandra Bandyopadhyay,
Ms. Jayanti Ghoshal.
...For the Municipality.**

Learned advocate for the respondent Nos. 2, 3 and 4 submits that he has filed Vakalatnama in the department vide filing No. A-11058 dated 23rd June, 2022. The department is directed to tag the same with the records.

The petitioners allege illegal and unauthorized construction by the respondent No. 6 in respect of the L.R. Plot No. 3551, J.L. No. 87, Mouza-Banitala within Ward No. 28 under the jurisdiction of the Uluberia Municipality.

The petitioners objected to such illegal construction before the Uluberia Municipality.

On receipt of a complaint from the petitioners, the Municipality inspected the said spot and being satisfied that the construction was being made without

obtaining any sanction plan issued notice to the person responsible on 6th October, 2020 directing them to immediately stop construction work.

Learned advocate appearing for the petitioners submits that despite stop work notice being issued, the person responsible continued with the construction work and presently the entire construction is complete.

Learned advocate appearing for the Municipality submits that there is a report from the surveyor that the construction that has been made, is without any sanction plan.

There is no proof of service of the writ petition upon the respondent No.6.

In view of the order that I propose to pass, the respondent No. 6 will not be prejudiced in any manner and moreover no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Uluberia Municipality to conduct a fresh inspection upon giving notice to the petitioners as well as the person responsible for making construction that is the respondent No. 6 and thereafter take a decision as to whether the construction that has been made is an authorized one or not.

If the Municipality is of the opinion that the construction was made without obtaining any sanction plan from the Municipality, then necessary follow up steps shall be taken by the Municipality to demolish the unauthorized construction.

The Municipality shall take steps in the matter at the earliest but positively within a period of four months from the date of communication of a copy of this order. The reasoned order shall be communicated by the Municipality to all the parties immediately thereafter.

The Municipality 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 28th September, 2020 followed by notice demanding justice dated 2nd November, 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.)