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Ct No 2023
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AGM

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

WPA 1381 of 2023

**Ankita Mathur
Vs
Burdwan Municipality & Ors.**

Mr. Surhid Sur
... For the petitioner.

Ms. Malabika Roy Dey
Mr. Uttiya Roy
... For the Private Respondent.

The petitioner complains of illegal and unauthorised construction at the instance of the private respondent.

The objection filed by the petitioner is pending consideration before the Municipality.

Learned advocate representing the private respondent denies the allegation of the petitioner.

It has been submitted that no new construction has been made. The plan in question was sanctioned in favour of the predecessor-in-interest of the private respondent. The petitioner being a subsequent purchaser is also guilty of making unauthorised construction.

The private respondent relies upon a report by the Revenue Inspector.

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 Burdwan Municipality being the respondent no. 1 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 learned advocate for the petitioner is directed to forward a copy of the representation dated 2nd

November, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

Affidavit-of-service filed today in Court be kept with the records.

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.)