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27.03.2023
d.p.

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

W.P.A 2005 of 2023

**Anand Farmania
-versus
Bidhannagar Municipal Corporation & Ors.**

**Mr. Anand Farmania.
...Petitioner in person.**

**Mr. Sirsanya Bandyopadhyay,
Mr. Arka Kumar Nag,
Mr. Tirthankar Dey.
...For KMC.**

**Ms. Sipra Mazumder,
Ms. Sreelekha Bhattacharya.
...For the State.**

**Mr. Sandip Kumar Bhattacharyya,
Ms. Debanwita Pramanik.
...For the Respondent
Nos.8 to 16.**

The petitioner alleges illegal and unauthorized construction at the instance of some of the private respondents at Miranda Apartment situated at AA-2/2, Rajarhat Road, Ward No.-11, Borough-II, P.O.-Deshbandhu Nagar, P.S.-Baguiati, Kolkata-700059, Holding No. AS/656/23/11.

Complaint filed by the petitioner before the Bidhannagar Municipal Corporation is yet to be disposed of.

Learned advocate appearing for the private respondents denies the allegation of the petitioner.

Learned advocate appearing for the Bidhannagar Municipal Corporation submits that inspection is yet to be conducted.

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.1 being the Bidhannagar Municipal Corporation 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 27th December, 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.)