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Ct
No24
AGM

14.06
2023

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

WPA 2031 of 2023

**Sri Gour Malik
Vs
The State of West Bengal & Ors.**

Mr. Nilanjan Adhikari

... for the Petitioner.

**Mr. Malay Singh
Ms. Neelam Singh**

... for the State.

None appears on behalf of the Municipality nor the private respondent.

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

The petitioner complains of illegal and unauthorised construction at the behest of the private respondent over agricultural plots of land. Objection filed against the said unauthorised construction is pending consideration at the end of the Municipality.

In the absence of the Municipality, it is not possible for the Court to decide the issue conclusively.

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.4, Board of Councillors, Kharar Municipality to consider and dispose of the representation 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.

Spot inspection upon prior notice to all the parties shall be conducted prior to taking a decision in the matter.

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.

The learned advocate for the petitioners is directed to forward a copy of the representation dated 16th January, 2023 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.)