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Ct 2023
No24
AGM

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

WPA 3137 of 2022

**Faiyaz Alam
Vs
The State of West Bengal & Ors.**

Mr. Mansoor Alam

... For the Petitioner.

Mr. Gopal Chandra Das

... For the Kolkata Municipal Corporation.

Mr. Ziaul Islam

... For the State.

The petitioner alleges illegal and unauthorised construction at premises no. Z-3/37/B, Dr. A. K. Road. Kolkata 700 044, Ward No. XV, P.S. Nadial.

Objection filed against such unauthorised construction has not been disposed of till date.

None represents the private respondents.

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 being 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.

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 15th February, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)