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Ct 2023
No24
AGM

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

WPA 3557 of 2022

**Md. Sofiulla Dorji
Vs
The State of West Bengal & Ors.**

Mr. Subhasish Pachhal
... For the Petitioner.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumdar
... For the Howrah Municipal Corporation.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
... For the respondent nos. 10, 12, 13.

The petitioner prays for consideration of the objection filed before the Howrah Municipal Corporation alleging unauthorised construction.

Learned advocate for the private respondents submits that the petitioner is trying to evict the private respondents without due process of law. A civil suit is pending consideration before the learned Court below.

Two civil suits in connection with the property is pending consideration; one at the instance of the petitioner seeking declaration of his ownership right and the other is at the instance of the of the tenant seeking declaration of tenancy right.

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 or his delegate 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 5th February, 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.)