

19.04.2023
(S/L-25)
Ct.-24
(Susanta)

W.P.A. 6292 of 2023

Ajit Narayan Singh
-Vs-
The State of West Bengal & Ors.

Mr. Palash Mukherjee,
.... For the Petitioner.

Mr. Krishna Das Poddar,
.... For the Private Respondent.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
.... For the Bally Municipality.

The petitioner complains of illegal and unauthorized construction at the instance of the respondent no. 6.

Complaint was filed on behalf of the petitioner before the respondent authorities in February 2023. The same is yet to be disposed of.

The learned Counsel representing the private respondent denies the allegation of the petitioner. It has been submitted that the petitioner and the private respondent are brothers. The private respondent made construction in accordance with the plan sanctioned by the Howrah Municipal Corporation in the year 2016 and no construction is being made at present.

Learned advocate representing the Municipality submits that the objection filed by the petitioner will be taken up for consideration.

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. 3, the Administrator, Bally Municipality 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 February 21, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The private respondent will be obliged to produce the original sanctioned plan before the Administrator, Bally Municipality at the time of hearing of the objection filed by the petitioner.

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.)