

ML.198
Ct
No24
AGM

26.04
2023

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

WPA 6203 of 2022

**Paresh Ghosh
Vs
The State of West Bengal & Ors.**

Ms. Joyee Maiti

... for the Petitioner.

Ms. Rajlakshmi Ghatak

... For the State.

Mr. Santimoy Bhattacharya

Mr. Ziaul Haque

Mr. H. K. Mahata

... For the respondent no. 10.

Leave is granted to the learned advocate for the petitioner to implead the Durgapur Municipal Corporation and the Commissioner, Durgapur Municipal Corporation as party respondents in the instant writ petition.

The petitioner complains of illegal and unauthorised construction at the instance of the respondent no. 10.

Allegation is that construction has been made without obtaining any sanction plan from the Durgapur Municipal Corporation.

Learned advocate representing the respondent no. 10 denies the allegation of the petitioner. He submits that as the construction was old and dilapidated, repairing and reconstruction has been made.

It has been submitted that the property in question is an unpartitioned, undemarcated property. The petitioner himself has raised constructed thereon and the construction made by the private respondent was made prior to 1990 when the property in question fell within the jurisdiction of the Panchayat. No new construction has been made at present.

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 Durgapur 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. The learned advocate for the petitioner is directed to forward a copy of the representation dated 16th 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.)