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Ct 2023
No24
AGM

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

WPA 7312 of 2022

**Kakali Dutta
Vs
The State of West Bengal & Ors.**

**Mr. Sekhar Pal
Mr. Mobakshar Islam
Mr. Krishna Prasad Majumdar
... For the Petitioner.**

**Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag
... For the BMC.**

The petitioner alleges illegal and unauthorised construction at the instance of the private respondents over R. S. Dag No. 1220 (P), L.O.P. No. 2, Mouza- Jyangra, J.L. 16, P.S. Baguiati.

The petitioner claims to be the owner of the property and allegation is that construction is being made without obtaining any sanction from the Bidhannagar Municipal Corporation.

Objection filed before the Corporation in March, 2022 is yet to be disposed of.

None appears on behalf of the private respondents.

Affidavit-of-service filed in Court today be kept with the records.

The Bidhannagar Municipal Corporation on receipt of the complaint filed by the petitioner issued a stop work notice in favour of the respondent no. 8 in May, 2022.

It appears that the Municipality is yet to take a decision on the complaint filed by the petitioner.

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 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 14th March, 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.)