

17.07.2023.
Court No.24
Item No. 33
pk

W.P.A. No. 9405 of 2023

**Dulal Mondal
Versus
Hooghly Chinsurah Municipality and others**

Ms. Manika Sarkar

...For the petitioner.

Mr. Tapas Kumar Ghosh,
Mr. Tanmoy Chowdhury

... For the respondent nos. 1 and 2.

Ms. Sipra Majumdar,
Ms. Sangeeta Roy

...For the respondent no. 5.

Leave is granted to the learned advocate on record of the petitioner to amend the description of the respondent no. 3 in the cause title of the writ petition. The proper respondent will be the Board of Councillors, Hooghly Chinsurah Municipality.

The petitioner complains of illegal and unauthorised construction at the behest of the private respondents. Objection was filed before the Chairman of the Municipality and the same is yet to be considered and disposed of.

None appears on behalf of the private respondents despite service. Affidavit of service filed in Court today is taken on record.

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 being the Board of Councillors, Hooghly Chinsurah 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.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

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 April 12, 2023 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.)