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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 9804 of 2023

Ananda Kumar Maji & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sukanta Das
... For the petitioners.

Mr. Samrat Choudhury
Mr. Sk. Akhtar Hossain
... For the respondent no.8.

Affidavit of service filed in Court today is taken on record.

The petitioners allege that the private respondents are raising construction under the scheme Pradhan Mantri Awas Yojana over the private land of the petitioners, being Dag No.2090, Khatian No.703.

Objection was raised before the Kharar Municipality, Ghatal, Paschim Medinipore, but the same is yet to be disposed of.

Learned advocate representing the private respondents submits, upon instruction, that no construction has been made by the private respondents over Dag No.2090, Khatian No.703, as alleged, by the petitioners.

None represents the Kharar Municipality, despite service.

In absence of the learned advocate representing the

Municipality, it is not possible for the Court to adjudicate the issue conclusively.

As it appears that the representation of the petitioners 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.6 being the Board of Councillors, Kharar Municipality 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. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioners 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 deviation of the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

The aforesaid respondent shall restrict to 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 petitioners 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 petitioners are directed to forward a copy of the legal representation dated 14th March, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

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.)