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Ct No 2023  
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AGM

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

**WPA 9781 of 2022**

**Smt Sulekha Das & Anr  
Vs  
The State of West Bengal & Ors**

Mr. Sugata Mukhopadhyay,  
... For the petitioners.

Mr. Wasim Ahmed,  
Sk. Md. Masud,  
... For the State.

Mr. Sandipan Banerjee,  
Mr. Ankit Sureka, ... For the HMC.

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

The petitioners complain of illegal and unauthorised construction at the instance of the private respondents. It has been submitted that the construction is being made in violation of the building plan and the municipal laws.

The representation filed by the petitioner objecting to such unauthorised construction is pending consideration at the end of the Municipality till date.

None appears for the private respondents.

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.4 being the Administrator, Bally 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.

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 petitioners.

The petitioners are directed to forward a copy of the representation posted on 4<sup>th</sup> April, 2022 to the aforesaid respondent at the time of communicating the order of the

Court.

Leave granted to the learned advocate on record of the petitioners to implead Bally Municipality as party respondent in the present writ petition.

The formality of serving a copy of the writ petition upon the added respondent stands dispensed with as learned advocate has already entered appearance on behalf of the Bally Municipality.

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.)**