

ML 123
06.12.2023
Court No. 24
AGM

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

W.P.A 10137 of 2022

**Partha Pratim Parua
-versus
The State of West Bengal & Ors.**

**Mr. Ziaul Haque
Mr. Sudip Kushari
...For the Petitioner.**

The representation filed by the petitioner before the Tamralipta Municipality alleging illegal repairing and renovation work by the private respondents is pending consideration till date.

None represents the respondents.

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

In view of the order that I propose to pass, none of the non-appearing respondents will be prejudiced if the writ petition is disposed of in the following manner:

The Tamralipta Municipality is directed to consider and decide the objection filed by the petitioner on April 13, 2022 in accordance with law after giving reasonable opportunity of hearing to all the necessary parties by passing a reasoned order.

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 representations dated 13th April, 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.)