

13.09.2023
248
AN/Ct. No. 24

WPA 12232 of 2023

Smt. Pinki Das
versus
The State of West Bengal & Ors.

Mr. S. P. Kundu

... for the petitioner

Md. Mansoor Alam

... for the State

The petitioner complains of illegal and unauthorized construction at 165, Nasra North, Kamarpukur, P.O. Nasra, Ward No. 13 under Ranaghat Municipality. The complaint lodged against such unauthorized construction is yet to be disposed of.

None represents the respondent Municipality and the private respondent.

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

The writ petition is, accordingly, disposed of by directing the respondent no. 2 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 twelve weeks 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 20.08.2022 to the aforesaid respondent at the time of communicating the order of the Court.

The instant writ petition stands **disposed of**.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Amrita Sinha, J.)