

19.06.2023
Item No.19
gd/ssd

WPA(P)/268/2023
BIMAN BHATTACHARJEE
VS
STATE OF WEST BENGAL AND ORS.

Mr. Supriyo Kr. Roy,
Mr. Arijit Chakraborty,
Mr. Tamal Banerjee,
Ms. Puja Rajbhor
..for the Petitioner.

Mr. Supratim Dhar,
Mr. Dhananjay Nayak
..for the Respondent No.12.

Mr. Mir Anuruzzaman
..for the Municipality.

1. By this public interest litigation the petitioner alleges that the 12th respondent is put up illegal construction in a property which is alleged to be vested with the government.

2. We find that the representation given by the petitioner was through his lawyer by notice dated 26.04.2023 and sent by speed post on the very same day. However, without giving any reasonable time to the respondent municipality, namely, the 9th respondent the petitioner has rushed to this Court.

3. The learned advocate for the 12th respondent would submit that the construction put up by the 12th respondent is strictly in accordance with

law and he has got all necessary approvals and sanction.

4. There is further allegation that the petitioner has also violated the Building Rules and put up unauthorized construction.

5. In any event, it is for the 9th respondent to look into the matter as we find the petitioner has rushed to this Court without giving a reasonable time to the municipality to consider the representation.

6. Prayer sought for in the writ petition is premature.

7. However, it goes without saying that the 9th respondent should consider as to whether the 12th respondent or the petitioner have put up any unauthorized or illegal construction or construction in violation of the sanctioned plan or whether there has been any vesting of the land with the government etc., all issues be looked into by the 9th respondent after notice to the petitioner and the 12th respondent.

8. This direction be complied with within a period of six weeks from the date of receipt of server copy of this order.

9. With the above directions, the writ petition stands disposed of without calling for affidavits for the simple reason that we have not gone into the allegations made by the petitioner in the representation or in the writ petition against the 12th respondent.

10. Affidavit of service be kept on record.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(AJAY KUMAR GUPTA, J.)