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13.02.2023
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 15273 of 2022

**Gulshan Bibi
-versus
The Bidhannagar Municipal Corporation &
Ors.**

**Mr. Mukteswar Maity,
Ms. Manika Sarkar.
...For the Petitioner.**

**Mr. Sirsanya Bandyopadhyay,
Mr. Tirthankar Dey,
Mr. Arka Kumar Nag.
...For BMC.**

**Ms. Soma Mal.
...For the Respondent No.5.**

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

The petitioner complains of illegal and unauthorized construction at the instance of the private respondent No.5 who happens to be the neighbour of the petitioner.

The petitioner alleges that the complaint against such unauthorized construction has not been considered till date.

Learned advocate appearing for the private respondent denies the allegation of unauthorized construction.

On a perusal of the complaint lodged by the petitioner, it appears that the details of the unauthorized construction are missing.

The address where the unauthorized construction is alleged to be made is also not indicated clearly in the objection.

In view of the above, the instant writ petition is disposed of by granting leave to the petitioner to file appropriate objection before the Bidhannagar Municipal Corporation giving details of the alleged unauthorized construction being made.

If such an objection is filed by the petitioner, the same shall be taken up for consideration by the Bidhannagar Municipal Corporation in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties.

The said respondent shall pass a reasoned order and communicate the same to the parties 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 petitioner.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)