

24-01-2023
Item No. 154 ML
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.17644 of 2021
Ashis Gayen

-vs-

The Bidhannagar Municipal Corporation & Ors.

Mr. Anil Kumar Chattopadhyay ...for the petitioner

Mr. Sirsanya Bandyopadhyay
Mr. Tirthankar Dey
Mr. A.K Nag ...for the Corporation

The petitioner complains of illegal and unauthorised construction at the instance of the fourth respondent. The petitioner alleges that the objection filed against such unauthorised constructions is yet to be considered.

It appears that a copy of the writ petition was addressed to the private respondent no.4, but she refused to accept service of the writ petition.

In view of the order that I intend to pass, none of the non-appearing respondents 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.1 being the Bidhannagar Municipal Corporation 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 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 petitioner 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 petitioner is directed to forward a copy of the representation dated August 25, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition is thus 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]

