

27  
11.12.2023  
Court No. 24  
AGM

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

**W.P.A 17510 of 2023**

**Suparna Giri & Anr.  
-versus  
The State of West Bengal & Ors.**

**Ms. Santi Das  
...For the Petitioners.**

**Ms. Kakali Samajpati  
Mr. Saikat Sen  
... For the State.**

**Mr. Kaushik Chatterjee  
Mr. Nilanjan Adhikari  
... For the respondent nos. 2 to 4.**

The petitioners complain of illegal and unauthorised construction.

Allegation is that complaint lodged against such unauthorised construction has not been disposed of till date.

None represents the private respondents.

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

Learned advocate representing the municipality submits that an inspection was conducted, however, without any notice to the parties.

The municipality ought to have conducted the spot inspection upon prior notice to both the parties. The same has not been done.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 4, Board of Councillors, Contai Municipality 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.

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 15<sup>th</sup> June, 2023 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.)**