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Ct
No24
AGM

12.06
2023

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

WPA 18255 of 2022

**Nages Chandra Mahanta
Vs
The State of West Bengal & Ors.**

Mr. Tarun Kumar Das
Mr. Dilip Kumar Shymal
Mr. Sourav Paul

... For the Petitioner.

Mr. Subrata Bhattacharya
... For the Private respondent no. 11.

The petitioner complains of illegal and unauthorised construction at the instance of the private respondent at 39/C, Kalyanpur Housing Estate, Borough-V, Asansol Municipal Corporation.

Stop work notice was issued on 9th November, 2021 directing the private respondent to stop the work of construction.

None appears on behalf of the Asansol Municipal Corporation.

Learned advocate for the petitioner submits, upon instruction that, despite the notice to stop construction work, the private respondent is continuing the same.

Objection was raised by the petitioner but the same has not been taken up for consideration.

Learned advocate representing the private respondent submits, upon instruction that, the private respondent purchased the property in question from the petitioner. There is already a plan sanctioned and

construction has been made in accordance with the sanctioned plan.

It has further been submitted that a civil suit is pending consideration between the parties and an order of injunction has been passed which is being strictly followed.

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.2 or his delegate 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.

The learned advocate for the petitioner is directed to forward a copy of the representation dated 30th April, 2022 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.)