

17.07.2023.
Court No.24
Item No. 51
pk

W.P.A. No. 18683 of 2022
Susmita Ghosh Rahut and another
Versus
English Bazar Municipality and others

Mr. Barun Kumar Samanta
... For the petitioners.

Mr. Gangadhar Das,
Mr. Tanmoy Chattopadhyay
... For the respondent no. 4.

The petitioners allege illegal and unauthorised construction at the behest of the private respondent. The allegation is that construction has been made in deviation of the plan sanctioned in such a manner that the common passage has been blocked by the private respondent.

Objection was filed by the petitioners before the Municipality followed by a notice demanding justice.

None has been taken up for consideration by the Municipality.

Learned advocate representing the private respondent denies the allegation of the petitioners. It has been submitted that construction has been made in accordance with the plan sanctioned by the Municipality.

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 being the Board of Councillors, English Bazar 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 legal representation dated 10th June, 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.)