

25
20.11.2023
Court No. 24
AGM

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

W.P.A 20127 of 2023

**Smt. Supriti Gantat & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Amit Baran Dash
Mr. Jayanta Dey
Ms. Ankana Sarkar
...For the Petitioners.**

**Mr. Sounak Bhattacharya
Mr. Sounak Mondal
Mr. A. Halder
Mr. Anirban Saha Roy
...For the respondents 4 & 5.**

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

The petitioners allege illegal and unauthorized construction at the behest of the private respondent at Mouja-Kumarpur, J.L. No. 367, Khatian No. 5212, Sabek Dag -139/1563, Hal -158 measuring approximately 0.5 decimal.

Objection filed against such unauthorised construction is pending consideration at the end of the Contai Municipality.

Learned advocate for the private respondent denies the allegation of unauthorised construction. It

has been submitted that the construction has been made in accordance with the plan sanctioned.

None represents the Contai 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 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 representation dated 12th April, 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.)