

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

W.P.A 21303 of 2021

**Tusar Kanti Palodhy & Anr.
-versus
Midnapore Municipality & Ors.**

**Mr. Rabindranath Mahato,
Mr. A.S. Ray.
...For the Petitioners.**

**Mr. Atarup Banerjee,
Mr. Samit Bhanja,
Mr. Rajdeep Pramanik.
...For the Respondent
Nos. 5 and 6.**

**Mr. Sujay Bandyopadhyay,
Mr. Shubham Saha.
...For the Municipality.**

The petitioners complain that the objection filed before the Municipality alleging unauthorized construction has not been considered.

Learned advocate appearing for the private respondents denies the allegation of the petitioners.

It has been submitted that the petitioners themselves are responsible for making unauthorized construction.

The writ petition is disposed of by directing the Municipality to consider the objection filed by the petitioners in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties at the earliest but positively within a period of twelve weeks from the date of communication of this order.

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 petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

The petitioners are directed to forward a copy of the representation dated 20th September, 2021 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.)