

Item No.248

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

04.10.2023
Ct-24

WPA 20704 of 2023
Pritam Kumar Munshi

v.

The State of West Bengal & Ors.

Mr. Rameswar Sinha
Mr. Dilip Kumar Mandal
... for the petitioner.

Mr. Jayanta Samanta
Ms. Indu Mouli Banerjee
... for the State.

The petitioner complains of illegal and unauthorized construction at the instance of the private respondents. Objection filed against such unauthorized construction is pending consideration.

None appears either on behalf of the Gram Panchayat or the private respondents. Affidavit-of-service filed in Court today is taken on record.

In view of the order that I propose to pass, none of the non-appearing respondents would be prejudiced if the writ petition is disposed of by the following order.

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. 6, Sub-Divisional Officer, Barasat 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.

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 learned advocate for the petitioner is directed to forward the copy of the representation dated August 9, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

It has been submitted by the learned advocate representing the petitioner that after filing the writ petition, continuous threat of life is being advanced by the private respondents upon the petitioner to withdraw the writ petition.

The respondent no. 10 being the Officer-in-Charge, New Town Police Station is directed to render protection to the petitioner to ensure that no harm is caused to the life and property of the petitioner.

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.

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(Amrita Sinha, J.)