

248
27.09.2023
Court No. 24
A.G.M.

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

W.P.A 21227 of 2023

**Sumit Kumar Sanyal & Anr.
-versus
State of West Bengal & Ors.**

**Mr. Saptarshi Kumar Mal
...For the Petitioners.**

**Mr. Soumik Ganguli
...For the Municipality.**

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

The petitioner alleges that the private respondents are raising construction over cultivable land without obtaining necessary permission for conversion. The construction that has been made is not in accordance with the plan sanctioned by the Municipality. The Municipality could not have sanctioned a plan over cultivable plot of land.

The petitioner alleges that the objection filed against such unauthorized construction has not been considered.

On a perusal of the objection filed before the Municipality, it appears that certain grounds have not been highlighted in the said representation.

In view of the above, leave is granted to the petitioners to file comprehensive representation highlighting all the illegalities.

In the event such a representation is filed, the same shall be considered by the Municipality in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties. A reasoned order shall be passed and communicated to the parties.

A decision shall be passed at the earliest but positively within a period of twelve weeks from the date of receiving the representation.

The parties will be entitled to rely upon all documents in support of their claim.

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.)