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AGM

12.04
2023

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

WPA 20262 of 2019

**Sri Milan Kumar Dutta & Anr.
Vs
The State of West Bengal & Ors.**

Mr. Subhrangsu Panda
Ms. Ina Bhattacharya
... For the petitioners.

Mr. Partha Pratim Roy
Mr. Anirban Das
... For the respondent nos. 6-8.

Mr. Pratip Kumar Chatterjee
... For the respondent nos. 2, 3 and 4.

The petitioners complain of illegal and unauthorised construction over Dag No. 308, Mouja Raghunathpur at the instance of the private respondents.

Specific allegation is that the construction has been made without obtaining any sanction from Kandi Municipality.

Learned advocate representing the private respondents denies the allegation of the petitioners.

Learned advocate representing the Kandi Municipality is yet to receive instruction in the matter.

The objection filed by the petitioners before the Kandi Municipality is pending consideration for a considerable period of time.

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 Board of Councillors, Kandi Municipality being the respondent no. 4 to consider and dispose of the representation made by the petitioners strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioners 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 petitioners 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 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 learned advocate for the petitioners is directed to forward a copy of the representation dated 29th August, 2019 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.)