

ML 823
24.01.2023
d.p.

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

W.P.A 22469 of 2022

**Anowar Ali Mondal
-versus
The State of West Bengal & Ors.**

**Mr. Sanjib Bondhopadhyay,
Mr. Ashoke Kumar Singh,
Mr. Monoj Kumar Mondal.
...For the Petitioner.**

**Mr. Mir Anuruzzaman.
...For the Municipality.**

**Mr. Soomava Mukherjee,
Mr. K.N. Jana.
...For the Private Respondent no. 10.**

The matter is appearing as item No. 823 of the combined monthly list of January 2023.

A writ petition being WPA 16395 of 2022 was filed by Sukanta Kundu and M/s. Devaloke Developers Limited alleging illegal and unauthorized construction being made by Anowar Ali Mondal.

The present writ petition is a counter blast of the earlier writ petition filed by M/s. Devaloke Developers Limited.

In the present case, Anowar Ali Mondal alleges that M/s. Devaloke Developers Limited that is the respondent No. 10 herein is making illegal and

unauthorized construction without obtaining permission/sanction from the Rajpur Sonarpur Municipality.

The petitioner further alleges that the said construction is being made upon encroachment of the private land of the petitioner.

It appears from the documents annexed to the writ petition that a legal representation was made on behalf of the petitioner in August 2022 praying for cancellation of the building sanctioned plan.

Learned advocate appearing for the private respondent denies the allegation of the petitioner.

As it appears that the representation seeking cancellation of the building plan is pending consideration at the end of the Rajpur Sonarpur Municipality, accordingly, the present writ petition is disposed of by directing the respondent no.2 being the Rajpur Sonarpur Municipality to consider the legal representation filed on behalf of the petitioner on 12th August, 2022 strictly in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties or their authorized representatives and pass a reasoned order in the matter.

The aforesaid exercise shall be completed by the Municipality within a period of twelve weeks from the date of communication of a copy of this order.

Reasoned order shall be passed and communicated to the parties immediately thereafter.

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.

It is made clear that the Municipality shall not enter into any private dispute in between the parties.

The learned advocate appearing for the petitioner is directed to forward a copy of the legal representation dated 12th August, 2022 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.)