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22.11.2023
Court No. 24
AGM

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

W.P.A 22158 of 2023

**Arabinda Halder
-versus
The State of West Bengal & Ors.**

**Mr. Mrinal Kanti Ghosh
...For the Petitioner.**

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

**Ms. Sangeeta Roy
Ms. Dipa Bhattacharya
... For the State.**

The petitioner alleges illegal and unauthorized construction at the behest of the respondent no. 8.

Affidavit-of-service filed in Court today implies that the writ petition could not be served upon the aforesaid respondent.

The petitioner submits that objection filed against such unauthorised construction is yet to be disposed of.

Learned advocate representing the Rajpur Sonarpur Municipality submits, upon instruction that, the Municipality failed to identify the property where the unauthorised construction is alleged to be made.

It has been submitted that if the petitioner submits his tax bill, then it will be possible for the Municipality to identify the premises where the alleged illegal construction is being made.

In view of the above, the instant writ petition is disposed of by directing the petitioner to submit his tax bill before the Municipality along with the objections raised against the unauthorised construction being made.

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, the Board of Councilor, Rajpur Sonarpur Municipality 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.

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 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 petitioner is directed to forward a copy of the representation dated 30th August, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

Report filed by Inspector-in-Charge, Sonarpur Police Station dated 21.09.2023 be kept with the records.

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.)