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WPA/22618/2022
BINAY KUMAR MONDAL AND OTHERS
VS
STATE OF WEST BENGAL AND ORS.

Mr. Rabindra Narayan Dutta,
Mr. Sibasis Ghosh,
Mr. Arkoday Mukherjee
..for the Petitioners.

Mr. Sirsanya Bandopadhyay,
Mr. Tirthankar Dey,
Mr. Arka Kumar Nag
..for BMC.

Mr. Jit Ray,
Mr. Abir Das
..for the Respondent Nos.13 to
18, 22 and 24.

Affidavit of service filed by the petitioners is taken on record.

The petitioners complain of illegal and unauthorised construction at the instance of the private respondents. Specific allegation is that construction is being made without any sanction and without maintaining the statutory side open spaces. Repeated representations filed before the Bidhannagar Municipal Corporation have remained unheeded.

Learned Advocate representing the respondent nos.13 to 18 and 22 and 24 submits, upon instruction that, the respondent nos.16 and 17 made construction on the basis of valid sanctioned plan and rest of the respondents have not made any construction at all.

Learned Advocate for the Bidhannagar Municipal

Corporation submits that the objection filed by the petitioners will be taken up for consideration.

As it appears that the representation of the petitioners dated 3rd August, 2022 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.4 being the Bidhannagar Municipal Corporation to consider and dispose of the representation dated 3rd August, 2022 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 3rd 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.)

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