

Item No.24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

19.12.2023
Ct-24

WPA 22561 of 2023
Smt. Juli Dey

v.

The State of West Bengal & Ors.

Mr. Atanu Basu
Mr. Indranuj Dutta
Ms. Shipra Santra
Ms. Benazir Sheikh
... for the petitioner.

Mr. Tapan Coomaar Dey
... for the State.

Mr. Ranojoy Chatterjee
Mr. Tamal Singha Roy
... for the private respondent.

Mr. Sandipan Banerjee
Mr. Sobhan Majumder
... for the Durgapur Municipality.

The petitioner is aggrieved by the illegal and unauthorized construction at the behest of the private respondent.

It appears that on receipt of the complaint filed by the petitioner, the Durgapur Municipal Corporation issued a notice for field enquiry.

The petitioner submits that spot enquiry was conducted but thereafter no steps have been taken by the Corporation.

Specific contention is that construction is being made without leaving the mandatory side open spaces.

The learned advocate representing the private respondent denies the allegation of unauthorized construction. It has been submitted that construction has been made in accordance with the plan sanctioned.

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. 3 or his delegate 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 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 petitioner 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 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 learned advocate for the petitioner is directed to forward the copy of the representation dated July 19, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Report filed by the Officer-in-Charge, Coke Oven Police Station be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

SH

(Amrita Sinha, J.)