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07.08.2023
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 23453 of 2022

**Smt. Abharani Karmakar
-versus
The State of West Bengal & Ors.**

**Mr. Bikash Shaw.
...For the Petitioner.**

**Mr. Sankar Halder,
Mr. Debashis Roy.
...For the Private Respondents.**

The petitioner complains of illegal and unauthorized construction at 564, R.B.C. Road, Ward No. 2, P.O.-Hazinagar under the jurisdiction of Naihati Municipality.

The petitioner submits that the private respondents are guilty of raising illegal and unauthorized construction of a factory shed without obtaining sanction from the Municipality.

A complaint was lodged before the Municipality in March 2022. The same is yet to be disposed of.

According to the petitioner, the Municipality conducted a spot inspection, however, without notice to the petitioner.

Neither the copy of the spot inspection nor final adjudication of the unauthorized construction has been made till date.

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

It has been alleged that the construction in question was 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.2, Naihati 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 21st March, 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.)