

Item No 29.03
24 2023
Ct No 24
AGM

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

WPA 24751 of 2022

**Malabika Purkait
Vs
The State of West Bengal & Ors.**

Md. Shahjahan Hira,
Ms. Sanjida Sultana, ... For the petitioner.

Mr. Mir Anuruzzaman,
... For the Rajpur Sonarpur Municipality.

Ms. Sanjukta Samanta, ... For the State.

The petitioner prays for consideration of the legal representation filed before the Municipality alleging unauthorised construction.

Learned advocate representing the Municipality submits, upon instruction that, the petitioner did not produce the necessary documents in support of the complaint lodged.

It has been submitted that the private respondent is not the owner of the property in respect of which the allegation of unauthorised construction has been made.

As it appears that the objection filed on behalf of the petitioner is pending consideration for a considerable period of time, accordingly, the present writ petition is disposed of by directing the Rajpur Sonarpur Municipality to consider the legal representation filed on behalf of the petitioner in September, 2022 in accordance with law, after giving a reasonable opportunity of hearing to all the

necessary parties and pass a reasoned order and communicate the same to the parties immediately thereafter.

It is made clear that this Court is not enter into the merits of the claim of the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the legal representation.

Learned advocate for the petitioner is directed to forward a copy of the legal representation dated 21st September, 2022 to the aforesaid respondent at the time of communication of this order.

The Municipality shall take steps to consider the representation at the earliest but positively within a period of twelve weeks from the date of communication of this order.

None appears on behalf of the private respondent.

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.)