

Item No.394

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

20.11.2023
Ct-24

WPA 24694 of 2023
Ramnarayan Nanda

v.

The State of West Bengal & Ors.

Mr. Sounak Bhattacharya
Mr. Sounak Mondal
Mr. Abhirup Halder
... for the petitioner.

Mr. Koushik Chatterjee
Mr. Nilanjan Adhikari
... for Contai Municipality.

Mr. Amit Baran Dash
Mr. Jayanta Dey
Ms. Ankana Sarkar
... for the respondent nos. 5 & 6.

The petitioner, in the instant writ petition, alleges illegal and unauthorized construction at the instance of the respondent nos. 5 & 6.

Reliance has been placed on the information provided under the Right to Information Act, 2005 by the Contai Municipality mentioning that no building plan has been sanctioned on the subject plot and no permission for construction/renovation of scheduled two storied building was granted in favour of the private respondents herein.

The objection filed against such unauthorized construction is pending consideration at the end of the Contai Municipality.

Learned advocate representing the private respondents submits, upon instruction that, the

construction in question is nearly 100 years old. R.S. records have been relied upon in support of the submission that there is already a recording of existence of a shop room at the subject premises.

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. 4, the Board of Councillors, Contai Municipality to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving reasonable 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.

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 September 25, 2023 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.

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(Amrita Sinha, J.)