

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

W.P.A. 26336 of 2022

**Sk. Abul Basar
-versus
The State of West Bengal & Ors.**

**Mr. Rafikul Islam Sardar.
...For the Petitioners.**

**Mr. Malay Krishna Dey.
Mr. Munshi Mijanur Rahaman.
...For State.**

**Sk. Md Ismai.
...For the Respondent
Nos. 8 and 9.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner alleges illegal and unauthorized construction by the private respondents. The Howrah Municipal Corporation considered the complaint of the petitioner and passed an order of demolition on 6th August, 2022.

Learned advocate for the petitioner submits that despite passing the order of demolition in respect of one building, the private respondents are making construction of two other buildings without obtaining any sanctioned plan.

Learned advocate representing the private respondents submits, upon instruction that, an appeal has been preferred challenging the order of demolition

before the learned 6th Civil Judge, Junior Division, Howrah being title suit no. 1305/2022.

The petitioner complains that further objection raised against such illegal construction has not been considered by the respondent authorities till date.

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 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 petitioner is directed to forward a copy of the representation dated 24th November, 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.)