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22.02.2023
B.B.

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

W.P.A. 27756 of 2022

**Sirajul Islam Mullick & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Sounak Bhattacharya.
Mr. Sounak Mandal.
Mr. Anirban Saha Ray.
...For the Petitioners.**

**Mr. Rabindra Narayan Dutta.
Mr. Hare Krishna Haldar.
...For State.**

**Mr. R.N. Chakraborty.
...for the Maheshtala
Municipality.**

**Mr. Debanik Banerjee.
Mr. Anirban Roy Chowdhury.
Mr. Akash Ganguly.
Mr. Aniruddha Ganguly.
...For the Respondent
Nos. 7 and 8.**

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

The petitioners allege illegal and unauthorized construction by the private respondents over a water body without any sanctioned plan.

The petitioners complain that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

Learned advocate representing the private respondents submits, upon instruction that, the present writ petition is a counter blast to the earlier writ petition filed by his clients pursuant to which part demolition of the unauthorized construction of the petitioners was done. The allegation of unauthorized construction has been denied.

As it appears that the representation of the petitioners 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 to consider and dispose of the representation made by the petitioners 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 petitioners 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 petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

Learned advocate of the petitioners is directed to forward a copy of the representation dated 18th October, 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.)