

Item No.51

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

12.06.2023
Ct-24

WPA 28713 of 2022
Kartick Ghosh

v.

The State of West Bengal & Ors.

Mr. Kartick Kumar Bhattacharya
Mr. Ashok Kumar Ganguly
Ms. Soumashree Dutta
... for the petitioner.

Mr. Susanta Pal
Ms. Ananya Neogi
... for the State.

Mr. Tirthankar Dey
Mr. Arka Nag
... for BMC.

Leave granted to the learned advocate-on-record of the petitioner to implead the Commissioner, Bidhannagar Municipal Corporation as party respondent.

The formality of serving a copy of the writ petition upon the added respondent stands dispensed with as learned advocate has already entered appearance on behalf of the Bidhannagar Municipal Corporation.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondent at premises no. AS/40/BL-H/14-15, Ward No. 19, RS Dag/Plot No. 428 under the jurisdiction of the Bidhannagr Municipal Corporation.

The allegation is that construction is being made without any sanctioned plan. Objection filed against such unauthorized construction is allegedly pending consideration at the end of the Bidhannagar Municipal Corporation.

None appears on behalf of the private respondent.

Notice upon the private respondent along with the postal receipt and the track report are taken on record.

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 Commissioner, Bidhannagar Municipal Corporation 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 November 15, 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.

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(Amrita Sinha, J.)