

68 15.03.2023

gd

WPA/29024/2022
GOUTAM SAMAI
VS
STATE OF WEST BENGAL AND ORS.

Mr. Snehasis Jana
..for the Petitioner.

Mr. Rama Prasad Sarkar,
Ms. Anita Deb Jana
..for the State.

Affidavit of service filed in Court is taken on record.

The petitioner alleges illegal and unauthorised construction at the instance of the private respondents. Reliance has been placed upon the information supplied to the petitioner under the Right to Information Act mentioning that no plan has been sanctioned or registered in favour of Gopal Samai for making construction over the subject land.

The petitioner contends that the area of the land is only 200 sq. ft. over which a four-storied structure is being constructed. The same is in violation of the municipal laws.

Objection filed before the Ghatal Municipality is pending consideration till date.

None appears on behalf of either the private respondents or the Municipality despite service.

As it appears that the representation of the petitioner dated 26th September, 2022 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.2 being Ghatal Municipality to consider and dispose of the representation dated 26th September, 2022 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 learned advocate for the petitioner is directed to forward a copy of the representation dated 26th September, 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.)

e