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Ct No 2023
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AGM

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

WPA 29102 of 2022

**Sk. Akbar Ali
Vs
The State of West Bengal & Ors.**

Mr. Sumit Naskar
Mr. Moidul Islam Kayal
... For the petitioner.

Mr. Naba Kumar Das
Mr. Subhabrata Das
... For the State.

Mr. Gobinda Chanda Bandopadhyay
... For the Uluberia Municipality.

Mr. Sabyasachi Chatterjee
... For the respondent nos. 12 to 14.

The petitioner complains of illegal and unauthorised construction at the instance of the private respondents.

The objection filed against such unauthorised construction before the Uluberia Municipality is pending consideration.

Learned advocate representing the private respondents denies the allegation of the petitioner.

It has been submitted that the construction in question is in existence for a considerable period of time and even prior to setting upon of the Uluberia Municipality.

Learned advocate representing the Municipality submits that the objection filed by the petitioner will be considered by the Municipality.

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 Board of Councillors, Uluberia Municipality being the respondent no. 4 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.

The learned advocate for the petitioner is directed to forward a copy of the representation dated 16th August,

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.)