

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Apurba Sinha Ray

***M.A.T. 97 of 2023
(CAN 2 of 2023)***

***Maya Samanta & Anr.
-Vs-
State of West Bengal & Ors.***

For the Appellants : Mr. Rwitendra Banerjee, Adv.,
Mr. Shibasis Chatterjee, Adv.

For the Municipality : Mr. M. Thakur, Adv.,
Mr. S. K. Ghosh, Adv.

**For the Respondent
Nos.7 & 8.** : Mr. Prahlad Chandra Ghosh, Adv.,
Mr. Subir Hazra, Adv.

Heard on : 12.08.2024

Judgment on : 12.08.2024

Joymalya Bagchi, J. :-

1. Defects have been cured.

2. Learned Advocate for appellants contends Hon'ble Single Judge failed to consider there were unauthorized constructions made on the land.
3. Learned Advocate for private respondents submits a civil suit is pending by and between the parties and the appellant was rightly relegated to the civil proceeding.
4. We have considered the materials on record including the plaint in the civil suit. The reliefs in the suit are independent of the grievance canvassed in the writ petition viz., inaction on part of the Municipality with regard to unauthorized constructions made on the land.
5. Under such circumstances, we direct the Municipality concerned to consider the representation of the appellants with regard to unauthorized construction and after giving an opportunity of hearing to the appellants as well as private respondents and any other affected parties to pass appropriate order in accordance with law within six weeks from the date of communication of this order.
6. Needless to mention in the event the Municipality comes to a finding there are unauthorized constructions, demolition order with regard to such construction shall be passed and duly implemented in accordance with law.
7. With these directions, appeal and the connected application are disposed of.

8. There shall be no order as to costs.
9. Photostat certified copy of this judgment, if applied for, be given to the parties on compliance of all formalities.

I agree.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)

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