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Ct
No24 .2024
AGM

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

WPA 3372 of 2024

**Sri Kamal Kanta Maity
Vs
State of West Bengal & Ors.**

**Mr. Dilip Kumar Saha.
Mr. Dhriti Das.**

... For the petitioner.

**Mr. K. Y. Yusuf.
Mr. Parikshit Goswami.**

... for the State.

Affidavit-of-service filed today in Court be kept with the records.

The petitioner alleges illegal and unauthorized construction by the private respondent.

The specific allegation is that construction has been made by filling up a water body without obtaining permission for conversion of the classification of the same.

Learned advocate for the State respondents submits, upon instruction that, steps have been taken under Section 4D of the West Bengal Land Reforms Act, 1955 against the offenders. The police has also filed an FIR against the offenders.

Reports filed by the police and the BL&LRO be kept with the records.

None appears on behalf of the private respondents.

In view of the order that I propose to pass none of

the non-appearing respondents would be prejudiced if the writ petition is disposed of in the following manner.

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 respondent no. 5 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.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

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 10th June, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

The police and the BL & LRO shall continue with the proceeding to address the issue of illegal conversion of the classification of the land and bring the same to its logical conclusion at the earliest.

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.)