

08 12.03.2024
NB Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 6716 of 2024

Md. Mehmood Alam
Vs.
The State of West Bengal & Ors.

Mr. Srijib Chakraborty,
Mr. Suvojit Mukherjee.
...for the petitioner.

Mr. Lalit Mohan Mahata Id. AGP.,
Mr. Prasanta Behari Mahata.
...for the State.

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal,
Mr. Anirban Saha Roy.
...for the Asansol Municipal Corporation.

This petitioner alleges that the respondent authorities i.e. the Asansol Municipal Corporation and the Asansol Durgapur Development Authority are taking steps to construct a road over the private land of the petitioner. A representation appears to have been made before both the authorities which is alleged to be kept pending.

Learned advocate representing the Asansol Municipal Corporation submits that the land over which the construction is being made and which the petitioner claims to be his private land is an undemarcated plot of land. Till the plot is demarcated, the petitioner cannot allege that the construction is being made over his private plot of land.

It has further been submitted that the petitioner is not sure about the authority who is raising construction. There is no

specific allegation in the writ petition fixing the responsibility of making construction by any of the aforesaid two authorities.

None represents the Asansol Durgapur Development Authority.

Without going into the merit of the claim and counter-claim of the parties, as it appears that a representation is pending consideration at the end of the respondent authorities i.e. the Asansol Municipal Corporation and the Asansol Durgapur Development Authority, accordingly, the instant writ petition is disposed of by directing both the authorities to consider the aforesaid representation. Spot inspection shall be conducted upon prior notice to all the necessary parties to ascertain whether unauthorized construction is at all being made over the private land of the petitioner.

If it appears that the construction of road is being made over the private land of the petitioner, then necessary remedial steps shall be taken.

A decision shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Amrita Sinha, J.)