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08.04.2024
d.p.

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

W.P.A 8189 of 2022

**Shri Babul Karmi
-versus
The State of West Bengal & Ors.**

**Mr. Dipayan Kundu,
Mr. Soumya Sankar Chini.
...For the Petitioner.**

**Mr. Ansar Mandal,
Ms. Somashree Dey
...For the State.**

**Ms. Tithi Paul.
...For the Municipality.**

**Mr. Ramashis Mukherjee,
Mr. Manoj Kumar Verma.
...For the Respondent
Nos. 10 to 12, 14 and 15.**

Leave is granted to the learned advocate-on-record of the petitioner to implead the Baidyabati Municipality and the Councilors of the Baidyabati Municipality as party respondents in the instant writ petition. Let copy of the writ petition be served upon the added respondents.

The Municipality is represented by the learned advocate.

The petitioner complains of illegal and unauthorized construction over plot no. 8704 which is recorded as a water body.

Repeated complaints were made before the concerned authorities but no steps have been taken to redress the grievances of the petitioner.

Learned advocate appearing for the private respondents submits that they are not at all connected with the plot no. 8704.

Be that as it may, 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, Baidyabati Municipality the added respondent no. 17 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 respondents 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 respondents are 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 respondents 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 respondents at the time of consideration of the representation of the petitioner.

Learned advocate appearing for the petitioner is directed to forward a copy of the legal representation dated 20th December, 2021 to the aforesaid respondents 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.)