

Item No.42

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

01.04.2024
Ct-24

WPA 11566 of 2023
Barun Mondal & Ors.

v.

The Burdwan Municipality & Ors.

Mr. Chirantan Sarkar
... for the petitioners.

Mr. Subhasis Bandopadhyay
... for the Municipality.

The petitioners complain of illegal and unauthorized construction at the behest of the private respondents.

On a perusal of the representation annexed to the writ petition it appears that the same is not a comprehensive one. The details of the unauthorized construction are not mentioned in the objection that has been filed before the Municipality.

In view of the above, leave is granted to the petitioners to file comprehensive representation highlighting details of the illegal construction made at the behest of the private respondents.

In the event such a representation is made by the petitioners, the same shall be considered by the Burdwan Municipality in accordance with law after causing a spot inspection to ascertain the nature and extent of unauthorized construction and after affording reasonable opportunity of hearing to all the necessary parties to place documents in support of their stand.

If 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.

Decision shall be taken in the matter at the earliest.

None represents the private respondents.

Affidavit-of-service filed in Court today is taken on record.

The unserved envelopes have been retained with the records by returning the copy of the writ petitions from the unserved envelopes.

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.

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(Amrita Sinha, J.)