

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 12146 of 2023
(Assigned)

Ajoy Maity
Vs.
The State of West Bengal & Ors.

Mr. Anindya Sunder Das
Ms. Debanwita Pramanik
Mr. Ratul Deb Banerjee
Ms. Paramita Mondal
Mr. Subrata Mondal
... For the petitioner

1. Affidavit of service filed in Court today is taken on record.
2. In spite of service, none appears on behalf of the respondents.
3. This writ application has been filed with the following substantive prayers:-

“(a) A Writ of and/or in the nature of Mandamus do issue Commanding the said Respondent No.2 to immediately consider the representation of the Petitioner dated 09/03/2023 and inquire about the unauthorised and illegal construction as made by the Respondent No.3 herein;

(b) A Writ of and/or in the nature of Mandamus do issue commanding the Respondent No.2 to immediately take steps in accordance with law for removing the unauthorised construction illegally made by the Respondent No.3 herein;

(c) A Writ of and/or in the nature of Certiorari do issue commanding the concerned Respondent to produce all the records available with it before this Hon’ble Court;

- (d) Rule NISI in terms of prayers (a) to (c) above;
- (e) An interim order in terms of prayers (a) and (b) hereinabove;
- (f) An ad-interim order in terms of prayer (e) hereinbefore;
- (g) Costs pertaining thereto.”

4. This writ application has been filed on the allegation that the petitioner made a representation to the respondent no.2 through post alleging, inter alia, that the respondent no.3 made an illegal construction on the Plot No.1083 corresponding to Khatian No.936.

5. It is alleged that the respondent no.2 refused to consider the said representation sent through post and thereafter that was sent through e-mail. It is alleged that in spite of receiving the said representation through e-mail on 9th March, 2023, no action has yet been taken.

6. Given facts and circumstances, the respondent no.2 is directed to dispose of the representation made on behalf of the petitioner with regard to illegal construction on Plot No.1083 corresponding to Khatian No.936, by a reasoned order after giving an opportunity of hearing to both the parties to the said representation within four weeks from date of receipt of a copy of this order and copy of the reasoned order passed by the respondent no.2 shall be communicated to the petitioner within one week thereafter.

7. With the aforesaid observation and direction, the writ application stands disposed of.

8. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

9. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)