

**02.05.2024**

Sl.No. 4  
Ct.No. 32  
Amalranjan

**ASSIGNED MATTER**

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 14558 of 2023

Manasha Adak  
Vs.  
The State of West Bengal and ors.

Mr. Rajib Kumar Basu  
...for the petitioner

Mr. Sandipan Das  
...for the private respondent nos. 7-8

Mr. Amal Kumar Sen  
Mr. Lalmohan Basu  
...for the State

The writ petitioner has filed this writ petition with an allegation that the private respondent no. 7 and 8 has constructed unauthorized construction over the land which is situated under J.L no. 6, L.R. Dag no. 7409, Khatian no. 3485, measuring about 0.009 Sahashrangsa holding no. 15(49) SCM Road, Sheoraphuli (Coal Depot), Ward no. 6, police station –Serampur, District –Hooghly. He has made several representation before the Chairman, Baidyabati Municipality for such illegal construction (Annexure-P2). But no action has been taken by the respondent no. 3, the Chairman, Baidyabati Municipality.

Having no other alternative, the petitioner filed a writ petition with certain prayers.

On the other hand, the respondent nos. 7 and 8 submitted that the structure is not illegal/unauthorized. It was constructed by the concerned authorities under the scheme “Pradhan Mantri Awas Yojana”.

A report has been submitted by the learned advocate appearing on behalf of the State, wherefrom it appears that the report regarding illegal construction is required from the Baidyabati Municipality.

Under the above facts and circumstances, it would be appropriate to refer this matter to the respondent no. 3 to decide the matter after affording sufficient opportunity of hearing of the interested parties and pass a reasoned order considering the allegations of the writ petition within two months from the date of communication of this order along with copy of the writ petition herein and communicate the same to the parties concerned.

In view of the observations made above, the instant writ petition being WPA 14558 of 2023 is, thus, disposed of without order as to costs.

It is made clear that this Court does not enter into the merit of the case, since no affidavits were invited, the allegations contained in the writ petition are deemed not to have been admitted.

Liberty is granted to all parties to act in terms of the copy of this order downloaded from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Ajay Kumar Gupta, J. )