

Item No.105

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.05.2024
Ct-24

WPA 16608 of 2022
Lakshmi Oraon

v.

The State of West Bengal & Ors.

Mr. Shibaji Kumar Das
Mr. Dipendu Sarkar
... for the petitioner.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondent without leaving the mandatory side open spaces. Objection filed against such unauthorized construction is pending consideration.

None represents the respondents.

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

In view of the order that I propose to pass, none of the non-appearing parties will be prejudiced if the writ petition is disposed of in the following manner.

The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

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 respondent no. 3, Kalyani Municipality and the respondent no. 2 being the Estate Manager and Ex-Officio Deputy Secretary, Kalyani 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 representation dated 6th April, 2022 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.

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(Amrita Sinha, J.)