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**02.04.2024**  
Ct. No.24  
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IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**WPA 16850 of 2023**

Pradip Patra  
Vs.  
The State of West Bengal & Ors.

Mr. Sanjib Seth  
... For the petitioner

Ms. Mekhla Sinha  
Ms. Malabika Roy Dey  
... For the Howrah Zilla Parishad

Mr. Bhagbat Chowdhury  
... For the private respondent

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

The petitioner's objection against unauthorised construction made at the behest of the private respondent is pending consideration at the end of the Howrah Zilla Parishad and the Gram Panchayat.

Learned advocate representing the private respondent submits, upon instruction, that the construction in question is an old one and no new construction has been made.

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.2, Howrah Zilla Parishad and the respondent no.6, Duila Gram Panchayat 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, at the earliest, but positively within a period of three months from the date communication of a copy of this order. The said respondents shall pass 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.

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.

The Panchayat Authority will not decide the right, title and interest of the parties and will restrict the decision only with regard to unauthorized construction being made without a sanctioned plan.

Learned advocate appearing for the petitioner is directed to forward a copy of the representation dated 30<sup>th</sup> June, 2023 to the aforesaid respondents at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

**(Amrita Sinha, J.)**