

S/L 33
27.02.2024
Court No.24
SD

WPA 17298 of 2023

Subodh Kumar Saha & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Asish Dutta
Ms. Somashree Dey

...for the Petitioners.

Mr. Pradip Kumar Mondal
Ms. Parna Roychowdhury

...for the State.

Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag

...for the BMC.

Affidavit of service filed in Court today be kept with the record.

Leave is granted to the learned advocate on record of the petitioners to implead the Bidhannagar Municipal Corporation and the Commissioner, Bidhannagar Municipal Corporation as party respondents in the instant writ petition.

The formality of serving copy of the writ petition upon the added respondents stand dispensed with as the Corporation is represented by the learned advocate.

The petitioners complain of an illegal unauthorized construction at the behest of the respondent no.7. Objection filed against such unauthorized construction is pending consideration till date.

None represents the respondent no.7.

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

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 Bidhannagar Municipal Corporation 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 respondent 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 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.

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 respondent 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 July 20, 2022 to the aforesaid respondent 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 given to the parties, upon compliance of all formalities, on priority basis.

(Amrita Sinha, J.)