

Item No.218
02.04.2024
s.h.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 18547 of 2023

**Makhanlal Manna & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Kamalesh Bhattacharya
Mr. Swapan Kumar Pal
Ms. Mohuya Dutta Biswas
...For the Petitioner.**

**Ms. Mekhla Sinha
Ms. Malabika Roy Dey
... for the Howrah Zilla Parishad.**

**Mr. Amal Kumar Sen, Ld. AGP
Mr. Lal Mohan Basu
... for the State.**

Leave granted to the learned advocate-on-record of the petitioner to implead the Howrah Zilla Parishad as party respondent in the instant writ petition. The formality of serving a copy of the writ petition upon the Howrah Zilla Parishad stands dispensed with as the Howrah Zilla Parishad is represented by the learned advocate.

The petitioners complain of illegal and unauthorized construction at the behest of the private respondents. Objection filed against such unauthorized construction is pending consideration for a considerable period of time.

None represents the private respondents.

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

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

As it appears that the representation of the petitioners 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. 11 and the Howrah Zilla Parishad to consider and dispose of the representation made by the petitioners, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioners, at the earliest, but positively within a period of three months from the date 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 petitioners, 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.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid

respondent at the time of consideration of the representation of the petitioners.

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 petitioners is directed to forward a copy of the representation dated 14th April, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

Howrah Zilla Parishad is directed to ensure that no unauthorized construction in any manner whatsoever is carried out at the subject premises.

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.

(Amrita Sinha, J.)