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08.01.2024
d.p.

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

W.P.A 22448 of 2023

**Smt. Mallika Pal & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. S.R. Das,
Mr. Kshetra Prasad Mukhopadhyay.
...For the Petitioners.**

**Mr. Suman Basu,
Ms. Debanwita Pramanik.
...For CMC.**

**Mr. Arjun Ray Mukherjee,
Ms. Debapriya Mitra.
...For the Respondent No. 9.**

**Mr. Pinaki Brata Ghosh,
Mr. Kousik Karmakar,
Mr. Rajkumar Majhi.
...For the Respondent
Nos. 11 to 14.**

The petitioners allege illegal and unauthorized construction at the behest of the private respondents.

From the documents annexed to the writ petition, it appears that a formal complaint alleging unauthorized construction is yet to be filed by the petitioners before the Chandannagore Municipal Corporation.

The petitioners rely upon the information provided under the Right to Information Act, 2005 by the Corporation that no building plan was sanctioned in respect of the subject holding.

The petitioners ought to have filed a representation before the Corporation highlighting the illegalities in construction made by the private respondents. In the absence of a proper complaint, the Corporation may not be able to act.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioners to file comprehensive representation highlighting all the illegalities committed by the private respondents.

In the event such a representation is made, the same shall be considered in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties. A reasoned order shall be passed and communicated to the parties.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)