

21
15.01.2024
s.h.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A.22671 of 2023
Sahadeb Pramanik
-versus
The State of West Bengal & Ors.

Mr.G.F. Hossain
Ms. Varsha Roy
Ms. Priyanka Mondal
... for the petitioner.

Mr. Nabajit Prasad Basu
Mr. Arindam Mitra
... for the State.

Mr.
... for the Municipality.
(Appearance not supplied)

The petitioner complains of illegal and unauthorized construction at the behest of the private respondent. Attention of the Court has been drawn to a communication dated June 12, 2023 made by the Executive Officer/SPIO, Jaynagar-Majilpur Municipality under the Right to Information Act mentioning that no building plan has been found in respect of the existing building of the private respondent.

The petitioner has made an exhaustive objection on August 28, 2023. The same is yet to be disposed of.

None represents the private respondent.

Learned advocate representing the Municipality does not have any instruction in the matter.

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

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. 6 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 petitioners 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.

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.

The learned advocate for the petitioner is directed to forward the copy of the representation dated August

28, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The notice of upgradation served upon the private respondent to be placed before this Court by way of an affidavit-of-service which may be filed in the course of the day.

Leave to file Vakalatnama by the learned advocate representing the Municipality by tomorrow.

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.)