

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

WPA 25234 of 2023

**Jyoti Karan Vyas
-versus
The Chief Secretary, Govt. of West Bengal & Ors.**

**Mr. Shamim Akhtar.
...For the petitioner.**

**Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh.
...For Bally Municipality.**

**Ms. Kanchan Jaju.
...For respondent nos. 5 & 6.**

The petitioner complains of illegal and unauthorized construction at the behest of the private respondent at 46/5, Netaji Subhas Road, PO Liluah, PS Liluah, District Howrah within the jurisdiction of Bally Municipality. Complaint was lodged before the Municipality in October, 2022 alleging that illegal floors were constructed without any sanctioned plan.

Learned advocate representing the private respondents denies the allegation of the petitioner.

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 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.

The petitioner is directed to forward a copy of the representations dated 11th October, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

Leave granted to the learned advocate on record of the private respondents to file Vakalatnama in the department by 5th January, 2024.

Affidavit of service is taken on record.

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.)