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20.02.2024
d.p.

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

W.P.A 25249 of 2023

**Sri Arun Bhowmick
-versus
The State of West Bengal & Ors.**

**Mr. Prasad Bhattacharyya.
...For the Petitioner.**

**Mr. Wasim Ahmed,
Sk. Md. Masud.
...For the State.**

**Ms. Susrea Mitra,
Mr. Kallol Saha,
Mr. Akash Ghosh,
Ms. Nabanita Chakraborty,
Ms. Monika Roy.
...For the Respondent No.7.**

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

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

Leave is granted to the learned advocate appearing for the private respondent to file vakalatnama in the department in course of the day.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondent who happens to be his brother.

Complaint was lodged against such unauthorized construction which is pending consideration.

Learned advocate appearing for the respondent no. 7 denies the allegation of unauthorized construction.

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. 4, the District Engineer, Howrah Zilla Parishad 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, 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 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.

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 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 petitioner is directed to forward a copy of the representation dated 13th October, 2023 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 supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)