

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

WPA 25343 of 2023

**Sri Kalyan Ghosh
-versus
The State of West Bengal & Ors.**

**Mr. Arup Krishna Das.
...For the petitioner.**

**Mr. Deb Narayan Banerjee,
MD. Ahsanuzzaman.
...For State.**

**Mr. Debangshu Dinda,
...For respondent nos. 6 & 7.**

**Mr. Sounak Bhattacharya
...For Asansol Municipal Corporation.**

The petitioner complains that the private respondents have constructed brick built building encroaching upon the private land of the petitioner. The said construction is being made without any sanctioned plan. Objection filed against such unauthorized construction is yet to be disposed of.

Learned advocate representing the private respondents denies the allegation of authorized construction. It has been submitted that no brick built structure has been constructed.

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 Asansol Municipal Corporation 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 7th 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.)