

06-05-2024
Item No.8 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.26166 of 2022
Lalti Ray
-vs-
The State of West Bengal & Ors.

Mr. Biswajit Sarkar
Mr. Anupam Some
Mr. Aman Kumar Singh ...for the petitioner

Mr. Fazlul Haque
Mr. Gopal Das ...for the Corporation

Mr. Sankar Banerjee ...for the private respondent

The petitioner prays for consideration of his representation dated November 9, 2022 (Annexure P8, p.67) alleging illegal and unauthorized construction at J-497/B, Banerjee Bagan Lane, PO+PS Garden Reach, Ward No.134, Borough-XV at the behest of the private respondent.

Learned advocate for the private respondent denies the allegations 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.5 being the Executive Engineer (Civil) Building Department, Kolkata Municipal Corporation to consider and dispose of the petitioner's representation dated November 9, 2022

strictly in accordance with law by giving a reasoned decision, 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 reasoned decision once passed shall be communicated to all the necessary parties, including the petitioner forthwith.

A spot inspection shall be conducted to ascertain the nature and extent of the unauthorised construction.

In the event the said respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid of the sanctioned plan, then necessary steps shall be taken dealing with such unauthorized construction, in accordance with law.

The said respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute between the parties regarding right, title and interest in respect of the concerned land.

It is made clear that this court has not entered into the merits of the petitioner's claim, and that all points are left open to be decided by the said respondent at the time of consideration of the petitioner's representation.

The petitioner is directed to forward a copy of the representation dated November 9, 2022 to the said respondent at the time of communication of the order of the court.

The writ petition stands disposed of. No order as to costs.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]