

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 2113 of 2024

**Sujit Paul @ Pal
-versus
The State of West Bengal & Ors.**

**Mr. Jagriti Mishra,
Ms. Mrinmayee Das.
...For the Petitioner.**

**Mr. Hirak Barman,
Ms. Rima Sarkar.
...For the State.**

**Mr. Subhasish Misra.
...For the Respondent No.9.**

1. The petitioner alleges illegal and unauthorized construction at the behest of the private respondent.

2. Learned advocate appearing for the private respondent denies the allegation of the petitioner.

3. On a perusal of the documents annexed to the writ petition, it appears that formal complaint alleging unauthorized construction is yet to be filed before the competent authority.

4. In view of the above, the instant writ petition is disposed of by giving liberty to the petitioner to file comprehensive representation highlighting the illegalities before the competent authority.

5. In the event such a representation is made, the same shall be considered in accordance with law, at the earliest but positively within a period of sixty days from the date of filing the representation before the authority.

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

7. In the event the respondent authority 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.

8. The authority shall restrict consideration of the issue 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.

9. 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 authority at the time of consideration of the representation of the petitioner.

10. The writ petition stands disposed of.

11. Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)