

15.
01.10.2024
Court No. 2
AGM

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

WPA 2062 of 2024

Ramashankar Prasad
Vs.
The State of West Bengal & Ors.

Mr. Debopriyo Karan. (VC)
...for the petitioner.

Mr. Amritam Mondal. (VC)
Mr. Debasish Mukhopadhyay.
Ms. Srishti Sarkar.
...for the Mal Municipality.

Mr. Subir Kumar Saha. Ld. AGP
Mr. Kumar Shantanu.
...for the State.

Mr. Sourav Sarkar.
... for the Private Respondent
nos. 9 and 10.

Mr. Suman Kumar Sikdar.
(Vakalatnama not filed)
(Enrolment no. – F/902/2009)
... for the respondent no. 4.

1. The petitioner complains of illegal and unauthorised construction.
2. Learned advocate representing the private respondents denies the allegation of the petitioner. It has been submitted that the construction is being made in accordance with the plan sanctioned.

4. 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.

5. The writ petition is, accordingly, disposed of by directing the respondent no.8 being the Board of Councillors, Mal Municipality 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 eight weeks 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.

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

7. 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 sanctioned plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

8. 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.

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 aforesaid respondent at the time of consideration of the representation of the petitioner.

10. The petitioner is directed to forward a copy of the representation dated 15th July, 2024 to the aforesaid respondent at the time of communicating the order of the Court.

11. The writ petition stands disposed of.

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

(Amrita Sinha, J.)