

Sl. No.25
30.09.2022
Court No.24
SH

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 18759 of 2022

Shiba Prasad Pradhan
Versus
The State of West Bengal & Ors.

Mr. Salil Kumar Maity
... for the petitioner
Mr. R.K. Sain
... for the respondent nos. 8 & 9.
Mr. S.M. Hassan
Ms. Anupama Yasmin
... for the Municipality.

The petitioner complains that the private respondents are making construction over agricultural land without obtaining necessary permission for conversion of the classification of the land.

It appears from the documents annexed to the writ petition that the Haldia Municipality by a notice dated July 19, 2022 directed the private respondent to submit all documents in connection with the construction.

The learned advocate representing the private respondent submits that necessary permission has been given by the Haldia Municipality for making construction of a G+1 storied building. It has, however, been admitted that reply to the notice dated July 19, 2022 has not been filed till date.

In view of the aforesaid submission, the writ petition is disposed of by directing the private

respondents to reply to the notice dated July 19, 2022 along with all documents in support of the construction within October 28, 2022.

On receipt of the documents from the private respondents, Haldia Municipality shall take a decision in the matter after giving an opportunity of hearing to both the parties.

The entire exercise shall be concluded positively within November 25, 2022. A formal reasoned order shall be passed and communicated to the parties.

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.

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.)