

Sn 20.10.2020
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W.P.A.7032 of 2020
C.A.N. 1 of 2020

Through Video Conference

SOBHON ROY VS. PANIHATI MUNICIPALITY
& ORS.

Mr. Abhijit Roy
Mr. Ranjan Kali
Mr. Sobhan Pathak
 ..for the petitioner
Mr. Soumyajit Bhatta
Mr. Bikash Chandra Chattopadhyay
 ..for the Municipality
Mr. Bidhayak Lahiri
Md. Kalam
Ms. Bhaswati Lahiri
Mr. Md. Aarif Ansari
 ..for the respondent no.10

In view of the urgency, the matter is taken up virtually. The application being C.A.N.1 of 2020 is disposed of.

This writ petition is filed by adjacent owner of premises no. 38, Vivekananda Sarani (169) Khardah, 24 Parganas(North), Kolkata 700110.

It is the contention of the petitioner that the owner of the above property has constructed a building without leaving adequate open space on the eastern portion of the property. Such construction allegedly has been made contrary to the Municipal Building Rules. A complain was lodged with the Chairman,

Panihati Municipality on January 27, 2020. It is the contention of the petitioner that the municipal authorities have not taken any steps on the basis of the complain.

The learned Advocate for the municipality refers to a letter dated April 27, 2020 issued by the Executive Officer, Panihati Municipality and submits that pursuant to the complain of the petitioner, the authorities of the municipality took physical measurement and enquired into the allegations but found that the construction was made according to the Municipal Building Rules. The said letter was addressed to the Sub-divisional Officer, Barrackpore, who is now the Administrator of the concerned Municipality.

Learned Advocate for the petitioner submits that the enquiry/inspection ought to have been made in presence of the petitioner so that the petitioner could apprise of the municipality of the illegalities in the construction.

Learned Advocate for the respondent no.10 submits that the construction is complete and the said was made according to the Municipal Building Rules. It is further submitted by him that the construction was made under the H.F.A. project, which is a Central Government Scheme, and the said construction has

been done by the municipal authorities themselves.

As these are disputed questions of facts and admittedly the petitioner was not aware of the inspection done by the municipality, another chance should be given to petitioner to ventilate his grievance before the appropriate authorities.

Under such circumstances, the Executive Engineer, Panihati Municipality is directed to make a fresh inspection of the premises no.52, Vivekananda Sarani(169) Police Station Khardah, Kolkata 700110 and premises no. 38, Vivekananda Sarani(169) Khardah, 24 Parganas(N) Kolkata 700110, that is the disputed holdings/plots in presence of all the parties by giving 48 hours prior notice to them, in order to ascertain whether the alleged construction was done according to the rules.

The petitioner and the respondent no.10 are at liberty to indicate to the authorities their contentions with regard to the alleged unauthorized construction on the eastern side of the land running from North to South without leaving any space.

The Executive Engineer, Panihati Municipality after causing such inspection and giving hearing to all the parties shall pass a reasoned order. Such reasoned order should be communicated to all concerned.

The entire exercise should be completed within a period of eight weeks from the date of communication of this order.

The report filed by the municipal authorities is taken on record.

With the above observations and directions, this writ petition is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, be supplied to the parties on priority basis.

(Shampa Sarkar, J.)

