

15.
6.09.2021
S.D.

W.P.A. 596 of 2021

**Smt. Shyamali Barik & Ors.
Vs.
Ghatal Municipality & Ors.**

Mr. Tanmoy Mukherjee
Mr. Koushik Roy

..For the Petitioners.

Mr. Swarup Kumar Ghosh

..For the Respondent Nos. 1 to 3.

None appears on behalf of the respondent no. 8.

Affidavit of service filed in Court today indicates that the respondent no. 8 refused service. Postal article with the endorsement 'refused' is handed over to the Court which is kept on record.

The petitioners allege unauthorized construction by the respondent no. 8 in a Doba situated under Dag Nos. 1666, 1660, 1668, 1698, 1671, 1698/254, 1696/2549 and 1697/2521, Khatian No. 217, Mouza – Nischindapur, L.R. Dag No. 31 under Ward No.12 of Ghatal Municipality.

It is the contention of the petitioners that pursuant to a complaint lodged by the petitioners, who is one of the co-sharers, the competent authority of Ghatal Municipality held an

inspection and found that there has been unauthorized construction.

Learned Advocate for the Ghatal Municipality does not have adequate instruction as to the fate of the complaint of the petitioner with regard to the unauthorized construction. He does not, however, deny the notice dated August 9, 2021 issued by the Chairman, Ghatal Municipality.

It is submitted that the municipality is under the Chairperson, Board of Administrators.

As the municipality has already come to a finding that there has been unauthorized construction, the writ petition is disposed of upon directing the Chairperson, Board of Administrator to dispose of the allegations of unauthorized construction as made in the writ petition in accordance with law and reach the same to its logical conclusion. The municipality through its appropriate authority shall hold an inspection in the presence of the respective parties. Copies of the inspection report shall be handed over to the parties. The parties will be entitled to appear at a hearing and make their submission before the competent authority who shall deal with the issue of unauthorized construction and reach the same to its logical conclusion in accordance with law.

Steps shall be taken as per the result of the inspection and what also transpires at the hearing.

This Court is not going into the merits of the claims and counterclaims of the parties and municipal authorities shall proceed in accordance with law.

With the above direction, this writ petition is disposed of.

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

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)