

Item No.12

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

10.03.2021
Ct-24

W.P.A.1145 of 2021
Chandra Madhab Ghosh
v
The State of West Bengal & Ors.

Mr. Arup Krishna Das
Mr. Indrajit Chatterjee
... for the petitioner.

Ms. Sipra Majumdar
Ms. Prativa Ghatak
... for the State.

Mr. Tanmoy Chowdhury
... for the respondent nos. 2 to 4.

Ms. Dipanwita Ganguly
... for the respondent no. 6.

The petitioner alleges illegal and unauthorized construction by the private respondent.

On the basis of the complaint lodged by the petitioner the Hooghly-Chinsurah Municipality has issued notice directing the persons responsible to stop any further construction in the plot in question. It appears that the Municipality also intimated the Inspector-in-Charge of the Chinsurah Police Station with regard to the aforesaid unauthorized construction.

The petitioner prays for necessary direction upon the Municipality for taking steps against such unauthorized construction.

The learned advocate representing the private respondent submits that the stop work notice which was issued by the Municipality was in the name of a dead person. The address mentioned therein is also incorrect. A copy of the stop work notice was not received by the private respondent. It has been denied that any construction, far less unauthorized construction is being made in the premises in question. It has been submitted that the construction which already existed was merely repaired. No new construction was being made thereon.

The learned advocate appearing on behalf of the Hooghly-Chinsurah Municipality submits upon instruction, that *prima facie*, it appears that the construction is unauthorized.

From the aforesaid submissions it appears that the Municipality has already taken steps pursuant to the complaint lodged by the petitioner.

Accordingly, the writ petition is disposed of by directing the Municipality to take necessary steps to deal with such unauthorized construction, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, at the earliest, but

positively within a period of six months from the date of communication of a copy of this order.

WPA 1145 of 2021 stands disposed of.

Affidavit-of-service filed in Court is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(**Amrita Sinha, J.**)