

08.11.2021
Sl. No.32
srm

W.P.A. No. 2201 of 2021
Nachiketa Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Samar Kumar Pal
...for the Petitioner.

Mr. S. Banerjee
...for the Municipality.

Mr. Ashish Kumar Guha,
Mr. Naresh Ghosh Dastidar
...for the State-respondents.

Mr. Dilip Kumar Sinha
...for the Respondent No.6.

The petitioner has alleged unauthorised construction by the respondent No.6. The petitioner relies on a notice issued by the Joynagar Majilpur Municipality upon the respondent No.6. From the said notice, it appears that the Chairman, Joynagar Majilpur Municipality had issued a notice upon the respondent No.6 to stop the construction which was being carried out without permission. The respondent No.6 was asked to appear before the Chairman with relevant documents.

The learned Advocate for the petitioner submits that the municipality was already of the view that the construction was being made without any approval from the municipality.

The learned Advocate for the respondent No.6 submits that the respondent No.6 had met the Chairman in terms of the notice. It is also submitted by the said respondent that the construction of the petitioner is also illegal.

The learned Advocate for the municipality submits that the municipal authority shall take steps in accordance with law.

Be that as it may, the municipal authorities have already, *prima facie*, found unauthorised construction. Notices have been issued to the respondent No.6.

With regard to the contention of the respondent No.6 that the petitioner's construction is also unauthorised, the said respondent is entitled to take steps in accordance with law.

However, as in this case the municipal authorities have *prima facie* found that there has been unauthorised construction, the writ petition is disposed of with a direction upon the competent authority of the municipality to act and proceed on the basis of the provisions of the West Bengal Municipal Act, 1993. An inspection shall be made in presence of the parties upon giving them prior notice. A copy of the inspection report shall be supplied to the respective parties. On the basis of what transpires at the inspection, a hearing shall be given and a reasoned order shall be passed and

communicated to all concerned. Thereafter action shall be taken in accordance with law.

The entire exercise shall be completed within a period of 12 weeks from the date of communication of this order.

This Court has not gone into the merits of the claims and counter-claims of the parties and all points will be decided by the authorities.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)