

Court No. 24

12.02.2021

(Item No. 14)

(AB)

W.P.A 3483 of 2021

Ranjan Ray & Anr.

vs

The State of West Bengal & Anr.

Mr. Krishnendu Banerjee

Mr. Dilip Kumar Mandal

Mr. Anirban Dey

Mr. Mritunjay Saha

...for the Petitioners

Mr. Tapas Kumar Adhikari

Mr. Lal Mohan Basu

..... for the State

Mr. Ranajit Chatterjee

Mr. Arijit Dey

..... For Baranagar Municipality

Affidavit of service filed by the petitioner is taken on record.

The petitioners complain of illegal and unauthorized construction of the boundary wall of the premises No. 284/1/B, G.L.T. Road, P.S. Baranagar, Kolkata 700 036. The petitioners submit that the said construction is in violation of provisions of Rule 73 of the West Bengal Municipal Rules, 2007. The petitioners made representation before the Municipality on 25th January, 2021. The petitioners complain that the said representation has not been considered by the respondent authorities till date.

The learned advocate representing the private respondents denies that any illegal and unauthorized construction has been carried on in the premises in question. It has been submitted that the old wall which

was dilapidated, is presently being repaired by the private respondents.

The learned advocate representing the Baranagar Municipality submits, upon instructions, that on receipt of the complaint from the petitioners, officials of the Baranagar Municipality inspected the premises in the presence of the petitioners twice on 4th February, 2021 and 8th February, 2021. The officials of the Municipality did not find any such illegal or unauthorized construction being carried on in the said premises. However, the learned advocate for the Municipality submits that there is no instruction as to whether the boundary wall that is being repaired is being done in accordance with the provisions of Rule 73 as mentioned herein above.

As it appears that the representation of the petitioners is yet to be disposed of by the respondent authorities, accordingly, the instant writ petition is disposed of by directing the respondent No. 4, being the Baranagar Municipality to take necessary steps for consideration of the objection filed by the petitioners, strictly in accordance with law, after giving an opportunity of hearing to the petitioners and all other necessary parties, within a period of twelve weeks from the date of communication of a copy of this order. The Baranagar Municipality shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioners, immediately thereafter.

The petitioner is directed to forward a copy of the representation dated 25th January, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

It is made clear that this Court has not gone into the merits of the claim raised by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)