

Court No. 24

15.03.2021

(Item No. 6)

(AB)

W.P.A 4300 of 2021

Syed Asaf Ali

vs

The State of West Bengal & Ors.

Mr. Syed Masur Ali

..... for the petitioner

Mr. Ayanabha Raha

..... for Municipality

Mrs. Jhuma Chakraborty

Mr. Aritra Ghosh

..... for the State

The petitioner alleges that the private respondents are making illegal and unauthorized construction on the land at Mouza - Basirhat, J.L. No. 43, Khatian No. 273, Plot Nos. 3346, 3347, R.S. Khatian No. 4027, Plot Nos. 3333/4315 of Ward No. 10, under the Basirhat Municipal Corporation.

In response to the query made by the petitioner he was informed by the Municipality by memo No. 51 dated 21st January, 2021 that no building plan has been sanctioned for making construction on the said plot of land. By a communication dated 7th July, 2020 the Chairperson of the Board of Administrator, Basirhat Municipality directed the person responsible to stop the construction and demolish the same immediately as the same was constructed without taking any prior approval from the Municipality.

The petitioner submits that inspite of the stop work notice and the order of demolition the private

respondents are merrily carrying with the unauthorized construction.

None appears on behalf of the private respondents despite service.

As it appears that the Municipality has already acted in response to the complaint lodged by the petitioner and has passed a notice to stop work and to demolish the illegal and unauthorized construction way back in July, 2020 and the persons responsible have not acted in terms of the notice issued to them, accordingly, it will be appropriate to direct the Municipality to take steps, strictly in accordance with law, against such unauthorized construction.

In view of the above, the instant writ petition is disposed of by directing the Basirhat Municipality, being the respondent No. 2 herein to initiate proceeding against the persons responsible for making unauthorized construction without a sanction plan, strictly in accordance with the provisions of the West Bengal Municipal Act, 1993 at the earliest, but positively within a period of five months from the date of communication of a copy of this order.

The said respondent shall ensure that the proceedings are concluded at the earliest but positively within a period of seven months from the date of initiation of the said proceeding.

It is made clear that the respondent authority will restrict consideration with regard to the unauthorized construction only and not enter into and decide any civil private dispute in between the parties.

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.)