

15.03.2021
SL No. 8
Court No.24
(P.M.)

WPA 5163 of 2021

**Subhadra Naskar
Vs.
The State of West Bengal & Ors.**

Mr. Asim Hati,
Mr. Debabrata Mondal,
Ms. Sreetama Neogi,
Ms. Payel Roy Mishra
... for the petitioner

Mr. Debabrata Saha Roy,
Mr. Arka Nag,
Mr. Subhankar Das
.... For Bidhannagar
Municipal Corporation

Mr. Sanjay Saha,
Mr. S. Panda
... for the respondent No. 9 and 10

Mr. Dwarika Nath Mukherjee,
Mr. Manik Lal De
... for the State

The petitioner alleges illegal and unauthorised construction in the plot of land at AD 60, 3 No. Camp, Krishnapur Main Road, R.S. Plot No. 4040, R.S. Khatian No. 1520, JL No. 17, Ward No. 26 under Bidhannagar Municipal Corporation.

In response to the complaint made by the petitioner the Bidhannagar Municipal Corporation by a communication dated 22nd June, 2020 directed the private respondents to justify the alleged construction made in the said plot of land by submission of photocopy of all documents in support of such construction.

The learned advocate for the private respondent submits, upon instruction, that the private respondents duly appeared before the concerned authority and submitted the sanction plan pursuant to which the construction was being made.

The learned advocate for the Bidhannagar Municipal Corporation submits, upon instruction, that a proceeding has been initiated against the private respondents under the provisions of Section 266 of the West Bengal Municipal Corporation Act, 2006. It has further been submitted that the proceeding which has been initiated by the Corporation is yet to be concluded.

As it appears that steps have already taken by the Bidhannagar Municipal Corporation in response to the complaint lodged by the petitioner accordingly the instant writ petition is disposed of by directing the Bidhannagar Municipal Corporation to conclude the proceeding initiated under the aforesaid provision, strictly in accordance with law and the relevant rules at the earliest but positively within a period of five months from the date of communication of a copy of this order.

Till a decision is taken by the Bidhannagar Municipal Corporation upon consideration of the representation made by the petitioner, the private respondents shall not make any construction in deviation of the plan that has been sanctioned by the Bidhannagar Municipal Corporation in their favour.

WPA 5163 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)