

23.07.2021
Sl. No.6
srn

W.P.A. No. 5609 of 2021
Sri Shiv Prasad Acharya
Vs.
The State of West Bengal & Ors.

Mr. Debasis Kar,
Mr. Subhajit Chowdhury
...for the Petitioner.

Ms. Sipra Mazumdar,
Mr. Khairul Alam
...for the State.

Mr. Debasish Mallick Chowdhury
...for the Respondent Nos.5 & 6.

Affidavit-of-service is taken on record.

None appears on behalf of the Khardah Municipal
despite service.

This writ petition has been filed challenging inaction on
the part of the Chairman, Khardah Municipality in taking
steps on the basis of the complaint lodged by the petitioner
dated February 12, 2021.

It is the contention of the petitioner that the respondent
Nos.5 and 6 have constructed a G+4 storied building although,
the same was not permissible under the law.

Learned Advocate for the respondent Nos.5 and 6
submits that the officials of Khardah Municipality inspected
the premises and directions were issued upon the said
respondents to demolish certain portions, which were found to

be unauthorised. It is further submitted that those portions have been demolished and the remaining construction is going on in accordance with law.

These are disputed questions of facts, which cannot be decided at this stage, by this Court. The petitioner has made a representation before the municipality. It is informed that now the municipality is run by the Administrator. The Administrator, Khardah Municipality shall dispose of the representation of the petitioner dated February 12, 2021 in accordance with law upon hearing the petitioner as also the respondent Nos.5 and 6. An inspection of the site shall be made in the presence of the parties. All points are kept open for the competent authority of the municipality to take a decision. The petitioner and the respondent Nos.5 and 6 will be allowed to file documents in support of their claims and make oral submissions. A reasoned decision shall be taken and communicated to all the parties. The competent authority shall act and proceed according to the provisions of the statute.

The entire exercise should be completed within a period of four weeks from the date of communication of this order. The parties are directed to act on the basis of the server copy of this order. The petitioner shall annex the copy of the representation dated February 12, 2021 along with the order at the time of communication.

This writ petition is, thus, disposed of.

There will be no order as to costs.

(Shampa Sarkar, J.)