

27.08.2021
Court No. 19
Item no.08
CP

WPA 6524 of 2021

Moitry Datta
Vs.
South Dum Dum Municipality & ors.

(via video conference)

Mr. Mayukh Maitra
Mr. Rajesh Naskar

.....for the petitioner.

Mr. N. C. Bihani
Mrs. Papiya Banerjee Bihani

....for the South Dum Dum Municipality.

Mr. Sabyasachi Mukherjee
Mr. B. Dey
Mrs. Arunima Das Sharma

....for the respondent no.6.

The petitioner has alleged overt act on the part of the South Dum Dum Municipality in issuing consecutive 'stop work' notices.

According to Mr. Maitra, learned advocate appearing on behalf of the petitioner, respondent no. 6, represented by Mr. Mukherjee, learned advocate, had repeatedly made frivolous complaints before the South Dum Dum Municipality against the petitioner.

This court upon hearing the learned advocates for the respective parties had directed the South Dum Dum Municipality to conduct an inspection in the presence of the parties and file a report. Such inspection was held on August 24, 2021 at Premises

No. 63/18/1, D.D.C. Road, Kolkata-700074 by the Sub-Assistant Engineer of the municipality. From the report it appears that there are some violations and deviations.

When the municipality has itself come to a finding about the alleged deviations and violations in the construction, nothing remains to be decided in the writ petition.

The writ petition is disposed of with a direction upon the competent authority of the concerned municipality to act and proceed in accordance with law on the basis of the inspection. Copies of the inspection report have been supplied by the learned advocate-on-record for the municipality to the respective learned advocates for the parties. A hearing shall be given to the parties. The parties shall be allowed to make their submissions and file their written versions to the report and also file additional documents in support of their respective claims. The competent authority shall act independently and reach the entire proceedings to its logical conclusion in accordance with law. A reasoned order shall be passed and intimated to all concerned.

The entire exercise should be completed within a period of three months from the date of the communication of this order.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)