

S/L 4
22.07.2021
Court. No. 19
GB

W.P.A. 7095 of 2021

Inka Infrastructures LLP & Anr.
VS
Panihati Municipality & Ors.

(Through Video Conference)

Mr. Suddha Satva Banerjee,
Mr. Chayan Gupta,
Mr. N.A. Chakroborty,
Mr. Agniva Banerjee.

...for the Petitioners.

Mr. Sourav Sen.

...for the Respondent No.4.

Affidavit-of-service is taken on record.

Despite service none appears on behalf of the Panihati Municipality.

A further notice was sent by the advocate on record for the petitioner to the Panihati Municipality by e-mail indicating that the matter will appear before this Court.

The petitioners allege illegal and unauthorized construction at the instance of the respondent nos.4 and 5.

Mr. Sen, learned advocate appearing on behalf of the respondent no.4 submits that the complaint before the municipality by the petitioner is a counter-blast to the proceeding initiated against the petitioners under the Inland Fisheries Act.

It is further submitted that the respondent no.4 does not have any connection with the business, which is being under the name and style of 'Shibani Sweets'. According to

the petitioners, the petitioners are the owners of the premises in question and they have not permitted any such construction. They do not have any contract with the respondent nos.4 and 5. The induction of respondent nos.4 and 5 was at the behest of some other persons, who were the tenant of the owners.

Be that as it may, the right of the respondent nos.4 and 5 to possess the said premises and remain in the same, is not to be decided in this proceeding. The municipality is also not empowered to decide the question of title and possession of any person. However, as there are some allegations of unauthorized construction on the property in question, the writ petition is disposed of with a direction upon the competent authority of the Panihati Municipality to make an enquiry/inspection forthwith upon notice to all parties and in presence of the respective parties. On the basis of what transpires in the inspection report, steps shall be taken in accordance with law. A copy of the inspection report should be supplied to all parties. A hearing shall be given and a reasoned order shall be passed and communicated to all concerned.

This Court has not gone into the merits of the claims and counter-claims of the parties and the competent authority of the municipality shall act in terms of the Statute. The municipality shall also be at liberty to adopt interim measures, if necessary.

The entire exercise shall be completed within a period of twelve weeks from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)