

Court No. 24
09.02.2021
(Item No. 173)
(AB)

W.P.A 5576 of 2020
With
CAN 1 of 2020 (Old No. CAN 3287 of 2020)
CAN 2 of 2020 (Old No. CAN 4043 of 2020)
CAN 3 of 2020 (Old No. CAN 4044 of 2020)
CAN 4 of 2020 & CAN 5 of 2020

Deba Prasad Nag
vs
The State of West Bengal & Ors.

Mr. Sankar Prasad Dalapati
Mr. Abhisek Addhya
Mr. Sourav Mondol
...for the Petitioner

Mr. Mir Anuruzzaman
...for the Rajpur Sonarpur Municipality

Mr. Sanjib Bandyopadhyay
Mr. Ashok Kr. Singh
Mr. Biswajit Datta
Mr. Abdul Hamid Molla
Mr. N. Das
Mr. Syed Shalu Shah
..... for respondent No. 6

The petitioner alleges illegal and unauthorized construction being carried on by the private respondents in the land in question.

The private respondent submits that construction is being made in accordance with the sanction plan No. 7766/RB/28/47.

The learned advocate for the Municipality submits that a plan has been sanctioned in favour of the private respondents for carrying on construction. The Municipality is not aware as to whether the construction is being made in accordance with the plan or not.

As it appears that an allegation has been made against the private respondents for making construction without a sanction plan, accordingly it is appropriate that

the Municipality be directed to look into the representation of the petitioner and decide as to whether construction is being carried on in accordance with the sanctioned plan or not.

Accordingly, the respondent No. 2 being the Rajpur Sonarpur Municipality shall take steps to visit the locale and enquire and take a decision as to whether the construction that is being made is in accordance with the plan sanctioned by the Municipality or not. Prior notice of inspection shall be issued in favour of the petitioner as well as the private respondents.

In the event, the Municipality is of the opinion that the construction is being made in deviation of the plan sanctioned, then necessary steps shall be taken by the Municipality to deal with such unauthorized construction in accordance with law.

The inspection shall be made by the Municipality within a period of six weeks from the date of communication of a copy of this order and further steps taken by the Municipality shall be done at the earliest and positively within a period of three months from the date of making the inspection.

The writ petition along with all the connected applications stand 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.)