

07.10.2021
Court No. 19
Item no.03
CP

WPA 9562 of 2021

Smt. Mili Paul
Vs.
Rajpur Sonarpur Municipality & ors.

Mr. Dibakar Bhattacharjee

.....for the petitioner.

Mr. Anuruzzaman

.....for the municipality.

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Mr. J. Khan
Mrs. Sayanti Sengupta

....for the respondent no. 6.

Pursuant to a direction of this court, an inspection was made by the municipal authority in the presence of the petitioner as also the respondent no. 6. According to the municipal authorities there are some unauthorized constructions. The inspection report is taken on record. A photo copy of the report is retained with the records and the original is returned after perusal of the same to enable the municipal authorities to proceed on the basis of such inspection.

This court is not in a position to take steps against such unauthorized construction as the law provides for a mechanism through which the

proceedings are to be conducted by the municipal authorities.

The municipal authorities shall serve copies of the inspection reports to the respective parties if not already done. The parties will be entitled to file their written submissions along with supporting documents and make oral submissions as well before the authority concerned. A hearing will be given to the parties and a reasoned order shall be passed and communicated to all. If unauthorized construction is detected at the instance of the respondent no. 6 and the municipal authorities come to the conclusion upon hearing the parties that the construction is not authorized by law, steps shall be taken as per the provisions of the statute.

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

Question of title and encroachment etc. shall not be gone into by the municipality. The municipality will restrict its decision to the question whether the allegation of the petitioner that the respondent no. 6 has been constructing unauthorizedly is correct or not and then take steps as per such decision.

As the parties were present during the inspection along with the municipal authorities, the

court does not think there is any further confusion with regard to the identity of the alleged construction.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)