

14.06.2021
SL No. 17
Court No. 24
(P.M.)

WPA 10551 of 2021

Dr. Kausik Kundu.
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. R. Chatteerjee,
Mr. Arijit Dey

... for the petitioner

Mr. Suddhadev Adak
... for Arambagh Municipality.

Mr. Niladri Sekhar Ghosh
... For the respondent No. 4

Affidavit of service filed in Court is taken on record.

The petitioner alleges illegal and unauthorised construction by the respondent No. 4. The petitioner relies upon notices issued by the Arambagh Municipality dated 27th April, 2021 and 5th May, 2021 whereby the private respondent has been directed to show cause why steps will not be taken against him under Section 218(2) of the West Bengal Municipal Act, 1993 and the West Bengal Municipal (Building) Rules, 1996 for carrying on construction without obtaining any sanction/permission from the Municipality.

According to the petitioner, defying the direction to show cause issued by the Arambagh Municipality, the private respondent was and still is merrily carrying on with the unauthorized construction even when the lockdown was and still in force.

The petitioner lodged a complaint before the Municipality and also before the Arambagh Police Station.

The private respondent submits that the plan was sanctioned in his favour but copy of the said plan was not handed over to him. It has further been submitted that construction was started on the basis of verbal assurance given by the representatives of the Municipality that sanction order was issued in his favour permitting him to make construction.

The learned advocate however categorically submits that there is no written permission according sanction in his favour for making construction.

The learned advocate representing the Arambagh Municipality submits that no plan has been sanctioned for making construction in favour of the private respondent.

The learned advocate representing the police submits that steps have been taken against the private respondent for making construction during the lockdown period under the Disaster Management Act.

From the submission of the parties it prima facie appears that the construction is being carried on without obtaining any sanction plan from the Municipality. The same is not permissible in law.

In view of the above, Arambagh Municipality is directed to take necessary steps against the persons responsible for making unauthorised construction in the

premises in question without obtaining any sanction/permission.

The police shall also ensure that the proceeding initiated under the Disaster Management Act is concluded at the earliest.

Necessary steps shall be taken by the authorities, strictly in accordance with law, at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

Writ petition WPA 10551 of 2021 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(**Amrita Sinha, J.**)