

01.10.2021
Sl. No.3
srm

W.P.A. No. 10560 of 2021
With
CAN 1 of 2021
Lakshmi Kanta Jash
Vs.
The State of West Bengal & Ors.

Mr. Avisekh Prasad,
Ms. Ankita Dey

...for the Petitioner.

Mr. Suddhadev Adak,

...for the Arambagh Municipality.

Mr. Santanu Kumar Mitra,
Ms. Munmun Tewari

...for the State Respondents.

Mr. Supriyo Chattopadhyay,
Ms. Saswati Adhikary

...for the Respondent No.8.

Affidavit of service as also the affidavit-in-opposition
filed by the petitioner is taken on record.

All the parties are represented before this Court.

The writ petition has been filed alleging unauthorised
construction by the respondent No.8 on a portion of L.R. Dag
No.828 pertaining to L.R. Khatian No.910, Holding No.234
under Mouza Paschim Krishnapur, District-Hooghly.

It is submitted by the respondent No.8 that no further
construction has been raised after the order of this Court. It is
further submitted that the construction made by the

respondent No.8 was in accordance with the sanction building plan.

The learned Advocate for the Arambagh Municipality appears before this Court and submits that a hearing was given to the parties but the matter is pending final disposal. It is further submitted by the learned Advocate that an inspection in presence of the parties would be required for full and final decision in the matter.

Accordingly, this writ petition is disposed of with a direction upon the competent authority of the Arambagh Municipality to hold an inspection in presence of the parties. A copy of the inspection report shall be handed over to the parties. Thereafter, the complaint lodged by the petitioner shall be disposed of in accordance with law on the basis of what transpires at the inspection and also on the basis of the submissions and documents that will be produced by the parties at the hearing. A reasoned order shall be passed and communicated to all concerned.

Needless to mention that the municipal authorities shall act and proceed in accordance with law thereafter and take all steps as required by law.

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

This Court has not gone into the merits of the claims and counter-claims of the parties and the municipal authorities shall decide the entire issue independently.

Needless to mention that the municipal authorities shall ensure that no construction continues till such disposal.

This writ petition is, thus, disposed of.

There will be no order as to costs.

In view of disposal of the writ petition, the connected application has become infructuous and the same is disposed of accordingly.

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

(Shampa Sarkar, J.)