

12.07.2021
Sl. No.5
srm

W.P.A. No. 10833 of 2021
Prasanta Kumar Biswas
Vs.
The State of West Bengal & Ors.

Mr. Sarthak Burman
...for the Petitioner.

Mr. Bratin Kumar Dey,
Ms. Anjana Banerjee
...for the Respondent No.8.

Mr. Sankar Halder
...for the Respondent Nos.4 to 6.

Affidavit-of-service is taken on record.

This writ petition has been filed challenging inaction on the part of the Krishnagar Municipality.

It is submitted by the petitioner that pursuant to a complaint made to the Administrator, Krishnagar Municipality, a hearing was given to the petitioner as also the respondent No.8 but no final order on the alleged illegal construction has been passed by the authorities.

It is submitted by the learned Advocate for the municipality that an enquiry was made on April 2, 2021, in presence of the petitioner and the respondent No.8. Some deviations have been found during the spot enquiry. However, records reveal that the municipality has not yet decided as to whether there has been any unauthorised construction or not and no formal order has yet been issued.

Under such circumstances, this writ petition is disposed of directing the Administrator, Krishnagar Municipality to take a decision on the allegation of illegal construction on the basis of the enquiry that has been made, upon granting a fresh hearing to the petitioner, respondent No.8 and also to the official of the department who had made the spot enquiry. The municipal authorities shall proceed in accordance with law and on the basis of the provisions of the statute, upon observing the principles of natural justice. The decision shall be arrived at within six weeks from the date of communication of this order. If the municipality finds that there has been an illegal construction, then the municipality must proceed in accordance with law.

A copy of the enquiry report be handed over to the respective parties by the municipality within 10 days.

The writ petition is, thus, disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)