

W.P.A. 10970 of 2021

(Through Video Conference)

**SRI BHIM CHANDRA GHOSH & ANR.
VS.
THE STATE OF WEST BENGAL & ORS.**

**Mr. Sarajit Sen
Mr. Tapas Sinha Roy
Mr. S.K. Mondal
...for the petitioners
Mr. Mir Anuruzzaman
..for the Municipality
Mr. Phiroze Edulji
Mr. Safik Dewar
..for the respondents**

This writ petition has been filed challenging inaction on the part of the Municipal Authorities of Rajpur-Sonarpur Municipality in acting on the basis of the complaints lodged by the petitioners alleging unauthorized construction by the respondent nos. 5&6.

It is submitted by Mr.Sen, learned Advocate appearing for the petitioners that several complaints have been lodged before the Municipal authorities but those complaints have gone unheeded. Mr. Sen, further submits that the unauthorized construction had been held to be detrimental to public interest and the municipal authorities were duty bound to take stern action on the basis of the complaints.

I have perused the documents annexed to the

writ petition.

This writ petition can be disposed of with a direction upon the appropriate authorities of Rajpur-Sonarpur Municipality to take immediate action on the basis of the complaints lodged by the petitioners. First, the competent authority shall inspect the premises in the presence of the petitioners as also the respondent nos. 5&6 and/or their representatives.

The proceedings/minutes of inspection should be signed by both the parties. The report of inspection shall be served upon the parties concerned for their responses. If it is found upon inspection that there has been unauthorized construction then the municipal authority shall take immediate step in accordance with law upon hearing the parties. The authority shall also be entitled to take interim measures to stop construction in case any illegality is detected.

This Court has not gone into the merits of the claims and counter claims of the parties and the municipal authority shall act on the basis of the inspection report and in accordance with law.

The inspection should be held within July 20, 2021. Seven days notice should be given in advance indicating the date of inspection to the parties. In case, proceedings are initiated under the law on the basis of what transpires in the inspection, the same should be

concluded within a period eight weeks from the date of the inspection.

As no affidavit-in-opposition is filed by the respondents the allegations made against them are to be treated as denied by them.

This writ petition is disposed of.

There will be however no order as to costs.

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

(Shampa Sarkar,J.)