

14.07.2021
Court No. 19
Item no.05
CP

WPA 10987 of 2021

Sk. Golam Kibria
Vs.
The Budge Budge Municipality & ors.

(via video conference)

Mr. Nitai Chandra Saha

....for the petitioner.

Mr. Neil Basu
Mr. Rahul Kumar Singh

.....for the respondents 1 & 2.

Affidavit of service is taken on record.

The respondent no. 6 has not entered appearance.

The petitioner has made an innocuous prayer that the competent authority of the Budge Budge Municipality be directed to dispose of the representation of the petitioner dated April 28, 2021. In the said representation, the petitioner has alleged illegal and unauthorized construction by the respondent no. 6. This writ petition can be disposed of without calling for affidavits.

It appears from the representation dated April 28, 2021 that there is an allegation that the respondent no. 6 has illegally encroached into the land of the petitioner and has made certain unauthorized construction. The question of title or

encroachment cannot be gone into by the municipality but the municipality shall perform its duty under the statute and should always ensure that no illegal and unauthorized construction in absence of a sanction plan or in deviation of the sanction plan is undertaken by any individual whatsoever.

The writ petition is disposed of with a direction upon the competent authority of the Budge Budge Municipality to dispose of the representation of the petitioner dated April 28, 2021 in accordance with law upon granting an opportunity of hearing to the petitioner as also the respondent no. 6.

The municipality will be at liberty to make a spot inquiry/inspection in the presence of the parties. The report of the inspection shall be supplied to the respective parties. The municipal authority shall reach the proceedings to its logical conclusion on the basis of the report of inspection.

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

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)