

S/L 5
16.07.2021
Court. No. 19
GB

W.P.A. 11042 of 2021

Prodip Kumar Mondal
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Sounak Bhattacharya,
Mr. Sounak Mandal.*

...for the Petitioner.

*Mr. Lal Ratan Mandal,
Mr. Sujay Mandal.*

...for the Private Respondents.

*Mr. Uday Shankar Chattopadhyay,
Ms. S. Das.*

...for the Municipality.

Affidavit-of-service is taken on record.

The writ petition has been filed challenging non-action of the municipal authorities in respect of the illegal construction on holding no.495/A, Ward No.15 under the Baruipur Municipality.

It is the contention of the petitioner that the respondent no.4 has been raising such illegal and unauthorized construction, without any sanction plan and in violation of the building rules.

Mr. Bhattacharya, learned advocate appearing on behalf of the petitioner submits that despite the complaint lodged before the Chairperson, Board of Administrators, Baruipur Municipality, the municipal authorities have not taken any steps in this regard.

It is contended by the learned advocate appearing on behalf of the respondent no.4 that the allegations are frivolous and baseless. The allegations are a counter-blast to the application which was filed by the respondent no.4 challenging unauthorized construction by the petitioner.

The learned advocate for the municipality submits that steps will be taken as per the complaints lodged by the respective parties.

Having heard the rival contentions, this writ petition is disposed of without entering into the merits of the claims and counter-claims of the parties. The competent authority of the Baruipur municipality shall consider the grievances of the petitioner as also the respondent no.4 and pass a reasoned order upon hearing both the parties. The parties shall be allowed to file documentary evidence in support of their respective contentions and also be allowed to make oral submissions. The reasoned order shall be communicated to all concerned. The competent authority of the municipality shall make an enquiry/ inspection in the presence of both the parties and reach the proceedings to its logical conclusion in terms of the provisions of the statute and upon observing all procedural formalities in compliance with the principle of natural justice.

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

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)