

20.07.2021.
Item no. 73.
Court No.13
ap

**W.P.A. No. 11090 of 2021
(Through Video Conference)**

**Bhupindar Singh Atwal
Versus
The State of West Bengal & Ors.**

Mr. Avirup Mondal,
Mr. Chandrachur Chatterjee,
Ms. Sumitava Chakraborty.

...For the petitioner.

Mr. Pantu Deb Roy, Id. AGP,
Mr. Ananda Farmania.

...For the State.

Mr. Om Naranayan Rai,
Mr. Nikhilesh Mittal.

...For the respondent nos.12, 14 & 15.

Mr. Sounak Bhattacharya.

..For the Asansol Municipal Corporation.

Affidavit-of-service filed in Court today by the
Counsel for the petitioner be taken on record.

The writ petitioner is aggrieved by the alleged
unauthorized construction effected by the private
respondents despite Asansol Municipal Corporation
having allegedly declared the construction of the
private respondents to be unauthorized.

It is submitted by the Counsel for the State
that due steps have been taken by the police and that
no further unauthorized construction going on now.

Counsel for the Asansol Municipal Corporation
submits that the issue as regards the unauthorized
construction and the prayers of the private
respondents, is under consideration under the
provisions of the West Bengal Municipal Corporation

Act, 2006. He further submits that the said proceeding could not be disposed of in view of on going Pandemic. It is assured that the said proceeding shall be completed by the Asansol Municipal Corporation as expeditiously as possible.

Counsel for the private respondents, Mr. Rai, submits by reference to a judgment of the Division Bench of this Court, passed in F.M.A.T. No. 374 of 2019 on 28th January, 2020 that the private respondents were entitled to effect repairs to comply with statutory requirements.

It is also evident from the said order of the Division Bench that the private respondents were specifically authorized to effect repairs to the existing building.

Be that as it may, Asansol Municipal Corporation is directed to expeditiously dispose of the proceedings as regarding the legality of the construction effected by the private respondents within a period of one month from the date of communication of a copy of this order.

Needless to mention that all parties shall be heard by the said Municipal Corporation and necessary orders shall be passed in terms of the 2006 Act.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(*Rajasekhar Mantha, J.*)