

19.07.2021
Sl. No.22
srn

W.P.A. No. 11158 of 2021
Balai Krishna Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Angshuman Chakraborty
...for the Petitioner.
Mr. Raghunath Chakraborty
...for the Maheshtala Municipality.
Mr. Debabrata Mondal
...for the State.
Mr. Rathul Das
...for the Respondent Nos.7 to 9.
Mr. Anil Kumar Chattopadhyay
...for the Respondent Nos.10 & 11.

Affidavit-of-service is taken on record.

The petitioner has alleged unauthorised construction by
the respondent Nos.7 to 11.

Learned Advocates for the respondent Nos.7 to 11
submit that the said respondents have not constructed after the
'stop work' notice has been issued in respect of the disputed
construction.

As there is an allegation of illegal construction and as
the respondent municipality has already directed the
respondent Nos.7 to 11 not to proceed with the construction,
this writ petition is disposed of with a direction upon the
appropriate authority of the Maheshtala Municipality to act
and proceed in accordance with law and dispose of the

complaint dated June 28, 2021 (Annexure P5) filed by the petitioner in accordance with law. The Municipality shall given a hearing to the petitioner as also the respondent Nos.7 to 11 and/or their representative. A reasoned order shall be passed in accordance with law. An inspection may be made, if required, in presence of the parties. The report of the inspection shall be supplied to the parties. The Municipal authorities shall reach the proceedings to its logical conclusion in accordance with law and independently. Interim measures may also be taken by the municipality.

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

This Court has not gone into the merits of the claims and counterclaims of the parties.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)