

3.8.2021
Sl. No. 28
sn

W.P.A. No. 11314 of 2021

HEMANSU KUNDU
Vs.
THE KHARAGPUR MUNICIPALITY & ORS.

Mr. Siddhartha Banerjee
Ms. Sambita Chatterjee
...for the Petitioner.
Mr. Partha Pratim Roy
..for the respondent no.7
Mr. Kushal Pal
..for the respondent no.8

Despite service, none appears on behalf of the Kharagpur Municipality. Let the affidavit of service be taken on record.

The petitioner alleges illegal and unauthorised construction at the instance of the respondent nos. 7&8 over R.S. Plot no.308, corresponding to L.R. Plot No.1127, L.R. Khatian No. 2606, J.L. No.232 in Mouza Inda within the jurisdiction of Kharagpur Municipality.

It is the contention of the petitioner that the said construction is being raised in deviation of the sanction plan.

Mr. Roy, learned Advocate appearing on behalf of the respondent no.7 and Mr. Pal, learned Advocate appearing on behalf of the respondent no.8, jointly submit that the construction has been carried out upon obtaining permission from the Municipality on the basis of the sanction plan. They have also applied before the Municipality for regularisation of minor deviation.

However, as there are allegations of unauthorised construction, the competent authority of the Kharagpur Municipality must look into the matter and come to a decision on the allegations made by the petitioner.

The competent authority of the Kharagpur Municipality shall cause an inspection in presence of the petitioner and the respondent nos, 7&8. The report of the inspection shall be supplied to the parties. Thereafter, a hearing shall be given and a reasoned order shall be passed in accordance with law and communicated to the parties.

The petitioner undertakes to withdraw the civil suit pending before the Court of the learned Civil Judge(Senior Division) at Kharagpur.

The competent authority shall deal with the representation and dispose of the same, as directed by this Court.

The inspection shall be held upon notice to all the parties and upon the competent authority being satisfied that the civil suit has been withdrawn. The competent authority shall reach the proceedings to its logical conclusion as follows.

The entire exercise shall be completed within a period of four months from the date of withdrawal of the suit.

This writ petition is thus disposed of.

There will be however no order as to costs.

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

(Shampa Sarkar, J.)