

03.08.2021
Court No. 19
Item no.32
CP

WPA 11350 of 2021

Sri Salil Kumar Chatterjee
Vs.
The State of West Bengal & ors.

(via video conference)

Mr. Supriya Ranjan Ghosh
Mr. Jayabrata Mukherjee

....for the petitioner.

Mr. Saunak Bhattacharya

....for the municipal corporation.

Ms. Sutapa Sanyal
Ms. Rajlakshmi Ghatak
.....for the State respondents.

Mr. Rafique Islam Sardar
Mr. Arup Krishna Das

....for the respondents 8 & 9.

Affidavit of service is taken on record. It appears that the parties have been served.

The petitioner is aggrieved because the Administrator Asansol Municipal Corporation, has not taken any steps pursuant to the complaint lodged by the petitioner dated April 12, 2021, alleging unauthorized construction in front of the petitioner's land. The land of the petitioner is situated at R. S. Plot No. 4851, R.S. Khatian No. 213, J. L. No. 21, Mouza Narshingbandh, PS – Hirapur, District – Paschim Burdwan. According to the petitioner, the respondent nos. 8 and 9 have raised

illegal and unauthorized construction in front of the land of the petitioner which has caused serious hindrance to the ingress and egress of the petitioner to his own land.

Learned advocate for the respondent nos. 8 and 9 submit that the construction raised by them is in accordance with the sanction plan.

It is not for the Corporation to decide the question of title and/or encroachment over private land. However, it is the duty of the Corporation to ensure that illegal and unauthorized construction either in the absence of a sanction plan or in deviation thereof is not carried out by any person.

Under such circumstances, the writ petition is disposed of without going into the merits of the claims of the petitioner. The competent authority of the Asansol Municipal Corporation shall cause an inspection of the alleged construction upon notice to the parties. The minutes of the inspection shall be signed by the parties. The inspection report shall be supplied to the parties. Thereafter, a hearing shall be given to the parties and a reasoned order shall be passed. The parties will be entitled to furnish all documents in support of their cases. The Corporation shall reach the proceedings to its logical conclusion.

The entire exercise shall be completed within a period of four months 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.)