

S/L 23
24.08.2021
Court. No. 19
GB

WPA 11495 of 2021

Debraj Roy
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Ms. Pampa Dey (Dhabal),
Ms. Sangita Banerjee.*
...for the Petitioner.

*Mr. Kushal Pal,
Ms. Soma Chowdhury.*
...for the Respondent No.6.

*Mr. Dipak Kumar Mukherjee,
Mr. Rajib Mukherjee,
Ms. Anindita Banerjee,
Ms. Supriya Dey.*
...for the Municipality.

*Mr. Lalit Mohan Mahata,
Mr. Sasmal Kabir Humayan.*
...for the State.

The petitioner has alleged unauthorized construction for the fourth time by the respondent no.6. It is submitted that on earlier occasions this Court had directed demolition of the unauthorized construction on a portion of holding no.26/B, Dr. A.L. Munshi Lane, Uttarpara. It is also submitted that on one occasion costs have been imposed upon the respondent no.6.

Learned advocate for the respondent no.6 submits that no further construction has been made over and above the portion already demolished earlier.

A report has been filed by the Sub-Assistant Engineer, Uttarpar-Kotrung Municipality, from which it appears that

the respondent no.6 is not carrying out any construction on the said premises. The said report is kept on record. Photographs have also been annexed to the report.

On the contrary, the petitioner has annexed documents to the writ petition showing that there is a recent construction. These are disputed facts, which need to be gone into by the municipality upon causing a further enquiry into the matter.

Under such circumstances, the writ petition is disposed of with a direction upon the competent authority of the concerned municipality to consider the complaint of the petitioner dated June 23, 2021 in accordance with law, upon hearing the petitioner as also the respondent no.6.

It is made clear that this Court has not gone into the merits of the contentions of the petitioner. However, the competent authority of the concerned municipality shall cause an inspection of the premises in question in presence of the petitioner as also the respondent no.6 and supply the inspection report to the respective parties. Thereafter a hearing will be held and the matter shall be reached to its logical conclusion. The entire proceeding shall be completed within a period of four months from date of communication of this order, strictly in terms of the provisions of the statute.

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.)