

02.12.2021
SL No. 20
Court No. 19
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WPA 11670 of 2021

Sudhir Kumar Sharma
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Arup Krishna Das

....for the petitioner

Mr. Sutapa Sanyal

Mr. Joyee Maiti

....for the State

Mr. Sounak Bhattacharya

.....for the Corporation

Affidavit of service is taken on record.

Despite service none appears on behalf of the respondent no 6. The postal article containing the writ petition has been delivered upon the respondent no 6. The matter is taken up in the absence of the said respondent.

The petitioner has alleged unauthorized construction by the respondent no. 6 over a portion of the land situated under Mouza-Barakar, R.S. Khatian No. 1580, Plot No. 1097, Ward No. 69 of Asansol Municipal Corporation. The copy of the complaint, addressed to the Administrator of the said Municipal Corporation is annexed to the writ petition

which is at page 49. It is submitted that preparations have been made for construction of pillars without having any sanction plan and without leaving any mandatory side space, as required under the building rules.

Mr. Bhattacharya, learned advocate appearing on behalf of the corporation, submits that the corporation shall look into the objection filed by the petitioner in accordance with law.

Having heard the rival contentions of the respective parties, the writ petition is disposed of with a direction upon the competent authority of the Asansol Municipal Corporation to dispose of the complaint of the petitioner in accordance with law. Before such disposal, an inspection shall be made of the premises in question, in the presence of the parties. The notice of inspection shall be served upon the respondent no. 6 at the address mentioned in the cause title of the writ petition and also affixed at a conspicuous place on the premises. Such affixation shall be considered as good service with regard to the notice of inspection. After the inspection is over, a report shall be prepared and supplied to the parties. A hearing shall be given to the parties. The parties shall be at liberty to file all documents in support of their contentions and also make oral submissions

before the corporation. Thereafter, a reasoned order shall be passed and communicated to all. On the basis of what transpires at the meeting and during the inspection, the corporation shall reach the proceeding to its logical conclusion in terms of the provisions of the statute.

This Court has not gone into the merits of the case of the petitioner and the entire issue shall be decided independently.

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

The writ petition is disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)