

9.8.2021

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W.P.A. 11759 of 2021

(Via Video Conference)

Ahindra Kumar Mandal

Versus

State of West Bengal and others

Mr. Sounak Bhattacharya

Mr. Sounak Mondal

... for the petitioner.

Mr. Pantu Deb Roy

Mr. Subrata Guha Biswas

... for the State

Mr. Sujay Mondal

Mr. Lal Ratan Mondal

..for the Municipality

Mr. Kushal Chatterjee

..for the respondents no.4

This writ petition has been filed alleging unauthorised construction by the respondent no.4 on premises no.491, Ward No.1, of Baruipur Municipality.

It is the contention of the petitioner that the said premises belonged to one Smt. Mita Sen. Thereafter, Smt. Mita Sen sold the premises to the respondent no.4. Reliance has been placed on the decision of this Court in WPA 21662 of 2013 dated June 19, 2014. The said writ petition had been filed by the vendor of the respondent no.4, against the order of demolition passed by the Chairperson of the Baruipur Municipality dated August 27, 2012. According to the petitioner, a co-ordinate bench of this Court had directed the municipality to once again

give an opportunity to the said Smt. Mita Sen to deal with the complaint brought by the Licensed Building Supervisor, alleging unauthorized construction. The court had set aside the order of demolition and had directed the municipality to pass a reasoned order. The court further directed the municipality to deal with the revised plan submitted by Smt. Mita Sen.

This writ has been filed alleging unauthorised construction by the respondent No. 4 who has purchased the property from the said Mita Sen. Inaction of the municipality in stopping subsequent unauthorised construction by the respondent no.4 has also been alleged.

Mr. Mondal, learned advocate appearing for the municipality submits that as per his instructions, the order of this Court had been complied with and necessary directions had been passed by the municipality. It appears that the Chairperson of the Baruipur municipality had been approached by the son-in-law of the petitioner, inquiring about the fate of the order passed by this Court and whether any subsequent order of demolition had been issued in respect of the construction on the premises in question, which is now owned by the respondent no.4. The said representation has not been disposed of.

Mr. Chatterjee, learned advocate for the respondent no.4 submits that his clients are not aware of any order of

demolition or any subsequent order passed by the municipality with regard to the construction on the premises in question. Mr. Bhattacharya also submits that the petitioner is also not aware of any such order.

Under such circumstances, this writ petition is disposed of with a direction upon the Chairperson, Baruipur municipality to dispose of the representation of by petitioner, in accordance with law upon hearing a representative of the petitioner as also the respondent no.4. A reasoned order should be passed and communicated to all concerned.

The allegations of unauthorized construction and the denial by the respondent no.4 are not gone into by the court at this stage, and it is for the municipality to decide the issue in accordance with law.

The municipality shall be free to make an inspection of the premises in question in presence of the parties and dispose of the matter as indicated hereinabove.

The entire exercise shall be completed within a period of 12 weeks from the date of communication of this order.

The respondent no.4 as also the petitioner shall be supplied copies of any previous decision, inspection report or complaints with regard to the self-same property, before they are called for a hearing.

This writ petition is disposed of.

There will be, however, no order as to costs.

Parties to act on the server copy of this order.

(Shampa Sarkar, J.)