

16.08.2021
Sl. No.4
srn

W.P.A. No. 11735 of 2021
Swapan Kumar Garai
Vs.
The State of West Bengal & Ors.

Mr. Rabindranath Mahato,
Mr. Aritra Shankar Ray
...for the Petitioner.

Mr. Soumitra Bandyopadhyay,
Mr. Priyabrata Batabyal
...for the State.

Despite service, none appears either on behalf of the Bishnupur Municipality or on behalf of the respondent Nos.3 to 9.

Affidavit-of-service is taken on record. It reveals that the notice of mentioning disclosing that the matter would be mentioned for urgent listing was also served upon the non-appearing respondents.

The petitioner alleges unauthorised construction by the respondent Nos.3 to 9. It is the contention of the petitioner that on receipt of the complaint of the petitioner, the Chairperson, Board of Administrators, Bishunupur Municipality issued a notice upon the petitioner as also the respondent No.4 requesting them to be present at the spot to facilitate an inspection for assessment of the construction in progress. Both parties were directed to stop all construction work. Such notice

was issued in exercise of powers conferred under Section 220 of the West Bengal Municipal Act, 1993. It is the contention of the petitioner that despite such communication the respondent Nos.3 to 9 have been continuing with their illegal construction. It is submitted by Mr. Mahato, learned Advocate for the petitioner, that there has been unauthorised construction in violation of the provisions of law as also orders passed by the appropriate authorities.

Under such circumstances, this writ petition is disposed of with a direction upon the Chairperson, Board of Administrators, Bishnupur Municipality to dispose of the representation of the petitioner dated June 30, 2021, which was received by the office of the Bishnupur Municipality, in accordance with law upon hearing the petitioner as also the representatives of the respondent Nos.3 to 9.

An inspection shall be conducted in presence of the respective parties. A reasoned order shall be passed and communicated to all concerned and appropriate actions shall be taken on the basis of what transpires at the hearing and at the inspection in accordance with law.

This Court has not made any observation on the correctness of the statements of the petitioner. Neither the question of title nor the question of encroachment or disputes which are pending before the Civil Court will be looked into.

The municipal authorities shall restrict its decision with regard to the allegation of unauthorised construction in the absence of any permission and/or in deviation thereof. It goes without saying the competent authority of Bishnupur Municipality may take interim measures to ensure that unauthorised construction does not take place.

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

This writ petition is, thus, disposed of.

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

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

(Shampa Sarkar, J.)