

Sl.no.23.
2.12..2021.
Court. No. 19
sn

WPA 11920 of 2021

Javed Khan
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Soumyajit Bhatta
Mr. Zahid Ali Khan ... for the Petitioner

Mr.Pritam Mazumder
Mr. Dibyendu Chatterjee ..for the municipality

Mr. Raghunath Adhikary
Ms. Tanaya Banerjee ..for the respondent no.5

Let the affidavit of service be taken on record.

This writ petition has been filed alleging unauthorised constructions on holding no. 12/1/1,12 and 12/1, Manik Peer Road. It is alleged that the construction has been made in deviation of the sanction plan. The petitioner relies on a reply under the Right to Information Act, 2005 dated March 15, 2021. The petitioner was informed that some construction had been made in deviation of the sanction plan. Accordingly, the petitioner approached the competent authority of the Bhatpara municipality. The competent authority of the Bhatpara municipality has submitted through their learned advocate, that steps are being taken to proceed under the provisions of Section 218 of the West Bengal Municipal Act, 1973 against such construction. As the municipal

authorities have already decided to take steps in the matter, nothing remains to be decided in this writ petition.

Mr. Adhikary submits that a civil suit is pending between the parties and there is an order of injunction. As such, parallel proceedings cannot go on.

Under such circumstances, this writ petition is disposed of with a direction upon the competent authority of the Bhatpara municipality to cause an inspection of the premises in question and prepare an inspection report in presence of the parties. A copy of the report shall be handed over to the parties. Thereafter, a hearing shall be given to both the parties in the proceeding and a reasoned order shall be passed and communicated to all concerned.

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

The municipality shall restrict its enquiry/proceeding only to the question of unauthorised constructions.

The question of title, possession and encroachment etc. shall not be gone into by the municipality. This order shall not be construed as a decision on any of the issues pending before the learned civil court.

The writ petition is disposed of.

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

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

(Shampa Sarkar, J.)