

Sl.no.251
2.12..2021.
Court. No. 19
sn

WPA 12058 of 2021

Ashim Kumar Das & Anr.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Dipta Bhanu Dutt
Mr. Debasish Das ... for the Petitioners

Mr. Raja Saha
Ms.Tanusree Chanda ..for the State

Mr. S.P. Ghosh ..for the respondent nos.9-12

Mr. Arijit Dey ..for the Municipality

Let the affidavit of service is taken on record.

The petitioners have raised an objection with regard to the construction made by the respondent nos. 9-12 on premises no. 64/1/1 & 65, Raj Kumar Mukherje Road, Kolkata 700 035, allegedly in violation of the sanction plan and by not leaving adequate mandatory side space, as required under the building rules.

Mr. Ghosh, learned advocate for the respondent nos.9-12 submits that the dispute is civil in nature as encroachment has been alleged.

Mr. Dey, learned advocate for the municipality submits that the objection of the petitioners shall be looked into.

Under such circumstances, this writ petition is disposed of with a direction upon the competent authority of the Baranagar municipality to dispose of the complaint of the petitioners in accordance with law.

An inspection of the premises shall be held in presence of the parties. The report of such inspection shall be handed over to the parties. The parties shall be allowed to participate in the hearing to be held subsequent to such inspection. The parties shall be allowed to make their submissions and file their written version before the authority. A reasoned order shall be passed and communicated to all.

Needless to mention that the authority shall thereafter reach the proceedings to its logical conclusion.

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

The proceeding shall be restricted only to the question of unauthorised construction and/or construction in violation of the building rules and in violation of the building plan, as alleged.

The question of title, possession etc. shall not be gone into by the municipality.

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.)