

S/L 18
23.09.2021
Court. No. 19
GB

WPA 12446 of 2021

Sri Debashis Ranjan Das
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Prantick Ghosh,
Mr. Siddhartha Sarkar.*

...for the Petitioner.

*Mr. Sirsanya Bandopadhyay,
Mr. Subhendu Bandopadhyay.*

...for the State.

*Mr. Jayanta Kumar Das,
Ms. Madhumanti Das.*

...for the Respondent No.6.

Mr. Soumya Banerjee.

...for the Kamarhati Municipality.

The writ petition has been filed challenging non-compliance of the order of this Court dated January 22, 2021 passed in WPA 4582 of 2020 by another coordinate Judge.

The petitioner has alleged illegal and unauthorized construction on premises no.27/2, Panchanantala Road, Ward No.22, Holding No.1701 within Kamarhati Municipality, Belgharia, Kolkata – 700056.

It is the contention of the petitioner that the petitioner and the respondent no.6 are brothers, who were gifted the land in question by their mother. That some funds were received in the name of the mother under the Pradhan Mantri Awas Yojna, on the basis of which the concerned premises was constructed by the mother of the parties. It is

alleged that the construction made by the deceased mother, which is now enjoyed by the respondent no.6 is unauthorized and made without following the plan supplied by the municipality.

This Court had directed the competent authority of the Kamarhati Municipality to consider the representation of the petitioner with regard to the alleged unauthorized construction. It appears from the minutes of the meeting which was held between the parties in presence of the Board of Administrators on March 31, 2021 that certain observations were made. However, the said observations and the extract of the meeting are in no way a consideration of the representation of the petitioner. The extract of the meeting dated March 31, 2021 is set aside and cancelled insofar as, it relates to any decision with regard to the alleged construction.

The writ petition is disposed of with a direction upon the competent authority of the concerned municipality to hold an inspection in respect of the premises in question in presence of the parties in order to ascertain whether the construction has been made in accordance with the plan. The question of title, possession, encroachment, partition, etc., shall not be gone into by the municipality. A reasoned order shall be passed and communicated to all concerned.

This Court has not gone into the merits of the claims and counter-claim of the parties and the municipality will

decide the entire issue independently and reach the same to its logical conclusion.

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

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)