

S/L 15
29.11.2021
Court. No. 19
GB

WPA 13154 of 2021

Khokon Ghosh
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Debjit Mukherjee,
Mr. Kaustav Bhattacharya.*
...for the Petitioner.

*Mr. Biswajit De,
Ms. Neelam Singh.*
...for the State.

Mr. Mir Anuruzzaman.
...for the Municipality.

*Mr. Jaydeep Biswas,
Mr. Soumyadeep Das.*
...for the Respondent Nos.7,8 & 9.

The petitioner alleges unauthorized construction by the respondent nos.7, 8 and 9. The petitioner alleges that the said respondents have constructed unauthorizedly on R.S. Dag No.710/1304, J.L. No.76, Village and Mouza – Chowhati, Chakrabortypara behind the Sitalamandir, under Sonarpur police station.

It has been alleged that the Rajpur-Sonarpur municipality has not disposed of the representations of the petitioner dated December 30, 2020 and August 28, 2021.

According to Mr. Mukherjee, learned advocate for the petitioner, not only the construction is unauthorized but the mandatory space between the petitioner's house and the

premises on which the construction is being carried on, has not been left.

Mr. Biswas, learned advocate appearing on behalf of the respondent nos.7 to 10 submits that the petitioner has incorrectly mentioned the names of the said respondents. That the respondent no.8 is a minor. That the writ petition has been filed out of vengeance. That several criminal proceedings are pending between the parties with regard to the altercation and other violent events which had taken place.

Mr. Mukherjee also submits that the respondent nos.7 to 10 have also indulged in criminal activities against the petitioner and his family.

Mr. Biswas hands over a copy of the sanction plan in order to demonstrate before the Court that the concerned municipality had duly granted a sanction and behind the construction, as a temporary measure, the said respondents are living in a tiled shed room which shall also be removed after completion of the construction. He has filed documents before the Court in respect of such contentions and it appears that such arrangement was also approved by the Rajpur-Sonarpur municipality.

It is further submitted that there has been no deviation from the sanction plan and only because there are some personal disputes between the parties, the writ petition has been filed.

The Inspector-in-Charge, Sonarpur police station filed a report, inter alia, stating that the construction is going on but the police authorities are not in a position to decide on the validity and legality of the construction. The said report is taken on record.

Having considered the rival contentions of the parties, the writ petition is disposed of with a direction upon the competent authority of the Rajpur-Sonarpur municipality to dispose of the representations/complaints of the petitioner mentioned hereinabove in accordance with law upon giving an opportunity of hearing to the petitioner as also to the respondent nos.7 to 10.

It is made clear that the municipality shall only look into the question as to whether any construction has been made in deviation of the sanction plan and the building rules. No other queries shall be made with regard to the title, possession and encroachment.

It is also made clear that other proceedings pending between the parties shall not be prejudiced in any way by this order. The municipality will hold an inspection and give an opportunity of hearing to the parties and reach the proceeding to its logical conclusion. The inspection report shall be supplied to the parties. A reasoned order shall be passed and communicated to all.

The entire exercise shall be completed within a period of four months from 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.)