

S/L 35
30.09.2021
Court. No. 19
sn

WPA 13745 of 2021

Tapan Kumar Laga
Vs.
State of West Bengal & Ors.

(Through Video Conference)

Mr. Sanjay Mukherjee
Mr. Dhananjay Nayak ... for the Petitioner.

Ms. Sipra Mazumder
Ms. Sangeeta Roy ..for the State

Mr. Suddhedeo Adak ..for the municipality

Mr. Debasish Banerjee
Ms. S. Neogi ..for the respdts. 7-9

The petitioner has alleged that an illegal and unauthorized construction on the premises being R.S. Dag Nos. 284 and 289, Mouza Parul, Police Station Arambagh, District Hooghly is being raised by the respondent Nos. 7 to 9.

Mr. Banerjee, learned advocate for the respondent nos. 7 to 9 submits that no unauthorized construction has taken place.

Mr. Adak, learned advocate for the municipality submits that a stop work notice had already been issued in respect of the construction and a reply was also furnished by the respondent nos. 7 to 9. Thereafter, a hearing was called by the municipality, but the petitioner was absent. He submits that due to

the absence of the petitioner, the hearing could not be concluded. As the municipality has already taken steps, no further order need be passed in this writ petition save and except that the municipality shall reach the proceedings, already initiated, to its logical conclusion in accordance with law. An inspection shall be made by the authorities and thereafter upon hearing the respective parties a reasoned order shall be passed and communicated to all concerned.

It is made clear that if either of the parties are not present despite service of notice by the municipality during the hearing or during the inspection, the municipality shall proceed in the absence of the said party.

The entire issue shall be decided and communicated to all concerned. Steps shall be taken thereafter in accordance with law.

The issues shall be completed within a period of five months from the date of communication of this order.

This 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.)