

30.09.2021
Sl. No.41
srm

W.P.A. No. 13897 of 2021
Manasi Dasgupta
Vs.
The State of West Bengal & Ors.

Mr. Tanmoy Kar
...for the Petitioner.

Mr. Samiran Mandal,
Mr. Abhinaba Dan
...for the Bankura Municipality.

Mr. Shamimul Bari
...for the State-Respondents.

Mr. Sanjay Mukherjee,
Mr. Dhananjay Nayak
...for the Respondent No.6.

The petitioner alleges inaction on the part of the Bankura Municipality in concluding the proceedings initiated against the alleged illegal and unauthorised construction made by the respondent No.6. It is submitted that the respondent No.6 has been constructing unauthorisedly on Plot No.296, J.L. No.211, being premises No.13/01, Rabindra Bithi, Pratap Bagan, under Ward No.10 within Bankura Municipality, Police Station Bankura, District-Bankura.

The learned Advocate for the municipality submits that partial hearing has been held but no final order has yet been passed.

Thus, as the municipal authorities have already taken steps for disposal of the complaint lodged by the petitioner, the writ petition is disposed of directing the competent authority of the municipality to conclude the hearing upon providing another opportunity to the parties to appear before the competent authority to make their submissions and produce their documents in support of their contentions. A reasoned order shall be passed and communicated to all concerned. The municipal authorities shall act and proceed in accordance with law on the basis of what transpires at the time of hearing. In the order the extent and nature of unauthorized construction shall be mentioned.

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

This Court has not gone into the merits of the claims and counter-claims of the parties.

It is submitted by the learned Advocate for the municipality that a stop work notice has already been issued. It is made clear that the municipality shall ensure that no new construction or further construction is made.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)