

Sl.no.33
10.11.2021.
Court. No. 19
sn

WPA 14779 of 2021

Sumita De Mallick
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Indranil Roy
Mr. Biswajit Manna
Mr. Riju Ghosh ... for the Petitioner

Mr. Srijan Nayak
Ms. Rituparna Maitra ..for the WBSEDCL

Despite service, none appears on behalf of the respondents except the West Bengal State Electricity Distribution Company Limited. Let the affidavit of service be taken on record.

The petitioner has filed a representation/complaint before the Chairperson, Board of Administration, Midnapore Municipality, Paschim Medinipore dated September 9, 2021 alleging that the respondent no.10 has been raising an illegal construction on plot no. B/41, Burge Town, Paschim Medinipore.

It is contended that the said building has been raised in deviation of the sanction plan and adequate side space between the premises owned and occupied by the petitioner and the premises on which the

construction has been going on, has not been kept which was in violation of the rules.

Under such circumstances, this writ petition is disposed of with a direction upon the concerned authorities of the Medinipore Municipality to dispose of the representation of the petitioner in accordance with law.

It is made clear that the municipality shall make an inspection in presence of the petitioner and the respondent nos. 9 and 10. A copy of the inspection report shall be supplied to the parties and thereafter a hearing should be given to all the parties. A reasoned order shall be passed and communicated to all concerned.

It is also made clear that enquiry, inspection and decision of the municipality shall be restricted to the allegations of construction in absence of a plan or in deviation of a plan and building rules.

The question of title, possession and encroachment etc. shall not be decided in the proceeding. If it is found that there has been any violation or deviation of the building rules or the plan, action shall be taken in accordance with law.

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

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.)