

05.10.2021
Court No. 19
Item no.05
CP

WPA 15856 of 2021

Sri. Kali Pada Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Achyut Basu
Ms. S. Basu
Ms. Punam Basu
Mr. Srikumar Chakraborty

... for the Petitioners.

Mr. Jishnu Chowdhury
Ms. A. P. Moulick

...for the respondents 1, 6 & 7.

Mr. Subhabrata Das
Mr. Mrinal Kanti Das
Mr. Kartick Goyal

...for the respondents 2,3,4 & 5.

The petitioner has alleged that the 'Stop Work' notice issued to the petitioner dated September 7, 2021 was vague and without specification. The said notice was issued by the Chairman, North Barrackpore Municipality.

The court is in agreement with the petitioner to the extent that the notice cannot be sustained in law in the absence of the details of the premises. The same suffers from non-application of mind and was signed by the Chairman in a mechanical manner.

However, whether there has been any unauthorized construction or whether the petitioner

is carrying on construction in violation of the sanction plan is not to be decided in this proceeding. If any proceeding is initiated by the North Barrackpore Municipality under the provisions of law, then the municipality must take all steps to ensure that principles of natural justice are followed and no step should be taken and/or no inspection should be held without due notice to the petitioner as also the complainant.

The impugned notice is set aside.

Liberty is granted to the North Barrackpore Municipality to proceed strictly in accordance with law. Fresh stop work notice may be issued if in the opinion of the municipality any unauthorized construction has been going on.

This writ petition is, thus, disposed of. There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)