

02
25.01.2021.
d.p/s.m.

**W.P.A. 14407 of 2018
(Via Video Conference)**

**Sutapa Das
-versus
State of West Bengal & Ors.**

**Mr. Uday Sankar Chattopadhyay,
Mr. Sayan Chattopadhyay,
Ms. Snigdha Saha,
Mr. Santanu Maji,
.... For the Petitioner.**

**Mr. Soumya Dasgupta.
.... For the Municipality.**

The case number in the order dated 18th January, 2021 has been erroneously recorded as WPA No. 14427 of 2018.

The case number of the writ petition ought to be read as **WPA 14407 of 2018.**

The department is directed to carry out the necessary correction at once.

The Executive Engineer Siliguri Municipal Corporation has filed a report pursuant to the direction passed by the Court.

It appears therefrom that a preliminary enquiry in the site in question was conducted on 1st October, 2018. On enquiry it was found that a single storied structure with GCI sheet roofing displaying a board “29

No. Ward Trinomul Congress Karyalaya (Written in Bengali)".

One person naming himself as Sri Binay Krishna Dey declared himself to be the owner of the property and he himself gave the permission to establish the aforesaid party office.

On direction for production of the documents in support of the ownership, the person concerned refused to produce the same.

The learned advocate appearing for the Siliguri Municipal Corporation submits, upon instructions, that no plan whatsoever was issued in respect of the said premises for construction of single storied structure.

This Court without entering into the question as regards the title and ownership of the premises in question directs Siliguri Municipal Corporation to take necessary steps, in accordance with law, in respect of the said single storied structure as it appears that the same was constructed without obtaining any sanction plan from the Corporation.

The Siliguri Municipal Corporation shall take necessary steps against the said illegal construction within a period of twelve weeks from the date of communication of a copy of this order, after giving a reasonable opportunity of hearing to all the necessary parties.

The said respondent shall intimate the steps taken in the matter to all the parties, including the petitioners, immediately thereafter.

The report prepared by the Siliguri Municipal Corporation is retained with the records.

The Officer-in-charge of the Siliguri Police Station shall provide necessary assistance to the Siliguri Municipal Corporation, if required.

W.P.A. 14407 of 2018 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)