

11.11.2021
Sl. No.29
srm

W.P.A. No. 16309 of 2021

**Bikash Saha
Vs.
The State of West Bengal & Ors.**

Mr. Saibalendu Bhowmik,
Mr. Biplab Guha,
Mr. Rajsekhar Basu

...for the Petitioner.

Mr. Gopal Chandra Das,
Mrs. S. De

...for the KMC.

Mr. Prem Gopal De

...for the Respondent Nos.19 & 20.

Mr. Ramaprasad Sarkar,
Mr. Shayak Chakraborty

...for the State-Respondents.

Affidavit of service is taken on record. Despite service none appear on behalf of the respondent Nos. 10 to 18.

The petitioner has raised an objection with regard to certain constructions being carried out by the respondent Nos.10 to 20. According to the petitioner, the said respondents have constructed on premises Nos.73/3 and 73/6, Sahapur Main Road, Behala, Kolkata-700038. According to the petitioner, the said constructions have encroached into the public land and also the corporation road. It is further submitted that the construction has not been made in

accordance with the building plan. Complaints have been lodged with the Kolkata Municipal Corporation.

Mr. De, learned Advocate appearing on behalf of the respondent Nos.19 and 20, submits that the construction has been raised in accordance with the sanctioned building plan. He further submits that the instant litigation is a private dispute between the petitioner and the respondent Nos.19 and 20.

Mr. Gopal Chandra Das, learned Advocate appearing on behalf of the Kolkata Municipal Corporation, submits that pursuant to the complaint, a stop work notice was issued upon the persons responsible for the construction. Intimation was also given to the local police station in order to ensure that no unauthorised construction takes place.

As the Kolkata Municipal Corporation has already taken cognizance of the complaint of the petitioner and has issued a stop work notice, this writ petition is disposed of with a direction upon the competent authority of the Kolkata Municipal Corporation to make an inspection of the constructions in question in presence of the parties. The corporation must prepare an inspection report. Copies of the report must be supplied to the parties and thereafter upon hearing the petitioner as also the respondent Nos. 10 to 20, the

competent authority of the corporation must pass a reasoned order and communicate the same to the respective parties.

Needless to mention that the corporation shall reach the proceeding to its logical conclusion in accordance with law.

The entire exercise shall be completed within a period of 12 weeks 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.

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.)