

Sl.no.4
15.11.2021.
Court. No. 19
sn

WPA 17379 of 2021

Usha Debi Barnwal & Ors.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Gopal Chandra Ghosh
Mr. Pijush Kanti Ray
Mr. S. Bandopadhyay ... for the Petitioners

Mr. Lalit Mahan Mahata ..for the State

Mr. Pradyot Kundu
Mr. Shibahji Kr. Das ..for the respdts. 2-4

The report filed by Kanchrapara municipality is taken on record. It appears that the petitioners have raised construction violating the sanction plan.

The writ petition was filed challenging an order dated October 9, 2021, by which the petitioners were asked to remove the unauthorised construction. A co-ordinate Bench of this Court had stayed the operation of the order and had directed the municipality to file a report.

Today, a report has been filed, from which it appears that the Sub-Assistant Engineer caused an inspection and found certain unauthorised constructions. It is further submitted that prior notices were issued upon the petitioners, directing the petitioners to appear before the municipality with valid

documents in support of the constructions. The petitioners did not avail of such opportunity and ultimately the municipality was constrained to issue the notice dated October 9, 2021.

Mr. Ghosh, learned advocate appearing for the petitioners refutes such contention of the municipality and submits that the petitioners had prayed for some time before the municipality.

Be that as it may, as the report from the municipality shows that there are prima facie some unauthorised construction, this Court is of the opinion that the matter should be proceeded with in accordance with the provisions of West Bengal Municipal Act, 1993.

Under such circumstances, this writ petition is disposed of with a direction upon the competent authority of the Kanchrapara municipality to hold an inspection in presence of the petitioners upon issuing 48 hours prior notice upon the petitioners and also upon the persons who had raised an objection with regard to such construction. A copy of the notice shall be pasted in the premises in question. Upon holding an inspection a copy of the report shall be supplied to the parties. The parties shall be allowed to deal with such inspection report and make their respective

submissions before the appropriate authorities of the municipality.

Upon hearing the parties, a reasoned order shall be passed and communicated to all concerned and on the basis of what transpires at the inspection and at the hearing, the municipality shall reach the proceeding to its logical conclusion and act and proceed in accordance with law.

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

The entire exercise shall be completed within a period of four months 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.)