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01.03.2021.
d.p.

**W.P.A 15267 of 2019
(Via Video Conference)**

**Chandan Mondal & Anr.
-versus
Burdwan Municipality & Ors.**

**Mr. Probal Kr. Mukherjee,
Mr. Suhrid Sur.
...For the Petitioners.**

**Mr. Sabyasachi Chatterjee,
Mr. Pintu Karar,
Ms. Dona Ghosh.
...For the Respondent
No.6.**

**Mr. Priyabrata Batabyal.
...For the
Burdwan Municipality.**

The petitioners complain that unauthorized construction has been made by the private respondent in the Holding No. 76, Mahalla Jahuripatti, Ward No. 20 under the Burdwan Municipality.

The State Public Information Officer of the Burdwan Municipality by a communicating Memo dated 27th November, 2018 intimated the learned advocate for the petitioners that no building plan has been sanctioned in respect of the said Holding.

The learned advocate appearing for the private respondent submits that a building plan in respect of the Holding No. 32, Mahalla Jahuripatti was granted in favour of his predecessor-in-interest in the year 2012.

It has been submitted that the erstwhile Holding No. 32 has presently been renumbered as Holding No. 76 and the construction has been made in the said premises strictly in accordance with the plan sanctioned by the Municipality.

Mr. Priyabrata Batabyal, learned advocate prays for an adjournment on behalf of Mr. Subhasis Bandyopadhyay, learned advocate for the Burdwan Municipality.

As it appears that a dispute has been raised with regard to the Holding number of the premises in question, accordingly, the Executive Officer, Burdwan Municipality being the respondent No. 4 herein is directed to verify the records as to whether the erstwhile Premises No. 32 Mahalla Jahuripatti has been renumbered as Holding No. 76 Mahalla Jahurpatti or not.

If the said authority is of the opinion that there has been no renumbering of the said premises and construction has been carried on in Holding No. 76, Mahalla Jahurpatti, without any sanction plan, then necessary steps shall be taken by the Burdwan Municipality to deal with such unauthorized construction, in accordance with law.

In the event construction has been made without a proper sanction plan then necessary steps shall be taken in accordance with law against the person responsible for making such unauthorized construction, after giving an opportunity of hearing to all the necessary parties, including the petitioners, at the earliest but positively within a period of six months from the date of communication of a copy of this order.

W.P.A. 15267 of 2019 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.)