

Court No. 24

20.01.2021

(Item No. 38)

(AB)

W.P.A 17756 of 2019

Biswajyoti Maity

vs

The State of West Bengal & Ors.

Mr. Amit Baran Dash

...for the Petitioner

Mr. Susanto Mukherjee

Ms. Neelam Singh

.... for the State

The petitioner prays for a direction upon the Egra Municipality for conclusion of the proceeding initiated in connection with the illegal construction and the cancellation of the building plan at the plot No. 3177, J.L. No. 23, Mouza Kasba Egra, Ward No. 1, District Purba Medinipur.

It appears from record that the Chairman of the Egra Municipality by a communication dated 2nd September, 2019 intimated the private respondents that the plan which was submitted by them was cancelled by the Board of Councilors in their meeting held on 27th August, 2019. The Municipality had inspected the site and have come to a definite conclusion that there has been deliberate violation of the order which was passed by the Chairman of the Municipality where they were directed to demolish the portions which had been constructed in deviation of the sanctioned plan. The Municipality was also of the opinion

that the norms of the West Bengal Municipal Act, 1993 and the West Bengal Municipal (Building) Rules, 2007 have been violated. The petitioners submit that although proceeding was initiated by the Municipality the same has not been completed till date.

None appears on behalf of the Municipality and the private respondents despite service.

As the Municipality has already initiated proceedings to deal with the illegal construction made by the private respondents, the writ petition is disposed of by directing the Egra Municipality to take steps for completion of the proceedings initiated by them in respect of the aforesaid illegal construction, strictly in accordance with law, within a period of four months from the date of communication of a copy of this order. The said respondent shall take steps after giving an opportunity of hearing to all the parties including the petitioner and intimate the action taken to all the parties, including the petitioner, immediately thereafter.

The writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)

