

S/L 6
04.08.2021
Court. No. 19
GB

W.P.A. 19729 of 2019

Kalyan Dutta & Ors.
VS
The Bidhannagar Municipal Corporatin & Ors.

(Through Video Conference)

Mr. Supriyo Chattopadhyay,
Mr. Sudip Kumar Maity,
Ms. Saswati Adhikary.

...for the Petitionesr.

Mr. Debabrata Saha Roy,
Mr. Arka K. Nag,
Mr. Subhankar Das.

...for the B.M.C.

Affidavit-of-service filed in Court today be kept with
the record.

Despite service none appears on behalf of the
respondent no.5.

Mr. Saha Roy, learned advocate appears on behalf of
the Bidhannagar Municipal Corporation.

It is the contention of the petitioners that the
respondent no.5 has obtained permission to construct a G+1
building on premises no.GA 73 Narayantala West, Baguihati.
It is submitted that although the Rajarhat-Gopalpur
Municipality had granted permission to the respondent no.5
to make a temporary construction with asbestos shed on the
first floor, the respondent no.5 by converting the asbestos
roof has constructed a concrete roof.

Mr. Saha Roy, submits that an inspection was made on the allegation made by the petitioners. This Court is of the opinion that the corporation should make a fresh inspection in presence of the petitioner as also the respondent no.5. The report of such inspection shall be handed over to the respective parties. Thereafter the corporation shall proceed in accordance with law on the basis of what transpires in the inspection. It is made clear that both the parties shall be given a hearing and a reasoned order shall be passed and communicated to all concerned. Needless to mention that the corporation shall act and proceed in terms of the statute. The entire exercise should be completed within a period of four months from date of communication of this order. As no affidavit has been called for, the allegations against the respondents are deemed to have been denied.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)