

5.8.2021
Court No. 19
Item no.2
sn

WPA No. 20842 of 2021

SAROJ SARAF & ANR. VS. STATE OF WEST
BENGAL & ORS.
(via video conference)

Mr. Anjan Bhattacharyya
Mr. Anik Shaw

...for the petitioners

Mr. Debabrata Saha Roy
Mr. Arka Kr. Nag
Mr. Subhankar Das

.. for the Corporation

Despite service, none appears on behalf of the respondent nos. 6-9. Let the affidavit of service be taken on record.

This writ petition has been filed alleging illegal and unauthorised construction at premises no. DC-2, Chawalpetty, Narayantala(W), Baguihati, Kolkata 700059, at the instance of the respondent nos. 6-9.

It is submitted that the petitioners had sought for information under the Right to Information Act, 2005 and the SPIO intimated the appellate authority on September 16, 2020 that such a building on premises no. DC- Chawalpetty, Narayantala(W), Baguihati, Kolkata 700059 had not been sanctioned by the Bidhannagar Municipal Corporation.

Mr. Saha Roy, learned advocate appearing on behalf of the Bidhannagar Municipal Corporation submits that these areas were under Rajathat-Gopalpur municipality initially and the Corporation

is yet to obtain information as to whether the municipality had allowed the construction.

Be that as it may, it appears that the petitioners have already made a representation before the Commissioner and other officers of Bidhannagar Municipal Corporation by a letter dated November 19, 2018. The competent authority of Bidhannagar Municipal Corporation shall consider the complaint of the petitioners upon hearing the petitioners and the respondent nos.6 to 9. While deciding the complaint of the petitioners, the appropriate authority of the Bidhannagar Municipal Corporation shall make an inspection of the premises in question in presence of the respective parties including the non-appearing respondents.

48 hours prior notice for holding such inspection shall be served upon all the parties. The inspection report shall be supplied to the parties and, thereafter, the entire matter shall be decided and proceeded in accordance with law. A reasoned order shall be passed and steps shall be taken on the basis of the inspection and the hearing. This court has not decided the issues raised by the petitioner.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

This 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.)