

30.11.2021
Sl. No.14
srm

W.P.A. No. 22535 of 2019

**Basdeo Shaw
Vs.
The State of West Bengal & Ors.**

Mr. Soumyajit Bhatta,
Mr. Zahid Ali Khan

...for the Petitioner.

Mr. Dibyendu Chatterjee,
Mr. Pritam Majumdar

...for the Bhatpara Municipality.

Despite service none appears on behalf of the respondent No.5. Affidavit of service is taken on record.

The petitioner has alleged that the respondent No.5 is constructing an unauthorised building, without a sanction plan, on an adjacent plot to the plot of the petitioner. It has been alleged that in reply to the query of the petitioner under the Right to Information Act, the petitioner was informed that the municipal records on and from April, 2015 did not indicate that the respondent No.5 has been granted a sanction building plan. The said information has been annexed at page 21 of the writ petition. Accordingly, the petitioner filed an objection before the Chairman, Bhatpara Municipality, which is at page 22 of the writ petition.

Mr. Majumder, learned Advocate appearing on behalf of the municipality, submits that the municipality shall dispose

of the objection raised by the petitioner in accordance with law.

Having heard the learned Counsel for the respective parties, this writ petition is disposed of with a direction upon the competent authority of the Bhatpara Municipality to act and proceed on the basis of the allegations made by the petitioner. An inspection of the premises shall be held by the municipality in the presence of the parties. A copy of the inspection report shall be supplied to the respective parties. A hearing shall be given to the parties and thereafter a reasoned order shall be passed and communicated to all concerned. Needless to mention that the said proceeding shall be reached to its logical conclusion in accordance with law on the basis of what transpires at the inspection as also at the hearing. The parties are entitled to make their appropriate submissions before the authority concerned.

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

This Court has not gone into the merits of the claims and counter-claims of the parties and all points will be decided by the municipal authorities.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)