

Sl.no.22
8.11.2021.
Court. No. 19
sn

WPA 7527 of 2020

Soumen Kumar Dutta
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Soumen Kr. Dutta
Mr. Sourav Dutta ... for the Petitioner.

Mr. Koushik Chatterjee
Mr. Nilanjan Adhikari ..for the respts.2-4

Mr. Debjit Mukherjee
Ms. Rupsha Chakraborty ..for the State

The petitioner has alleged unauthorised construction by the respondent no.5. The learned advocate on behalf of the respondent no.5 prays for an adjournment.

Records reveal that on the last occasion also the learned advocate for the respondent no.5 had prayed for an adjournment.

This Court had directed the Contai municipality to file a report on the allegations of the alleged unauthorised construction. Such report has been filed before this Court. From the report, it appears that the municipality is of the prima facie view that some construction has been made without leaving any side space. It also appears that the respondent no.5 did not produce any plan. However, it is not for the Court to decide with regard to the allegations made in the writ

petition and the Contai municipality is the appropriate authority to deal with the issue.

Accordingly, this writ petition is disposed of with a direction upon the appropriate authority of the Contai municipality to act and proceed in accordance with law by holding an inspection with regard to the alleged unauthorised construction in presence of the petitioner as also the respondent no.5. On the basis of such inspection, a report shall be prepared and supplied to the parties. A hearing shall be given to the parties and the matter shall be disposed of by reaching the contention raised by the petitioner to its logical conclusion. A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of eight weeks from the date of communication of this order. On the basis of what transpires at the hearing and during the inspection, the Contai municipality shall act and proceed in accordance with law.

The 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.)