

Sl.no.23
8.11.2021.
Court. No. 19
sn

WPA 8090 of 2020

Subhas Chandra Dey
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Pradip Kumar Kundu
Mr. Kingsuk Mondal ... for the Petitioner.

Mr. Manwar Ali ..for the respdt.7

Despite service, none appears on behalf of the respondent nos.1 to 6.

The writ petition has been filed challenging a construction raised by the respondent no.7.

It is submitted by the learned advocate for the respondent no.7 that the allegations are completely false and frivolous. That the stop work notice has been issued upon the respondent no.7 and the respondent no.7 was asked to attend a hearing and produce all the documents with regard to the construction.

The learned advocate for the petitioner hands up a notice issued by the Sub Assistant Engineer, Building Section, Maheshtala Municipality. It appears that the parties were called for a hearing with regard to the allegation of unauthorised construction and the pending sanction plan of the respondent no.7. As the municipality has already called the petitioner and the respondent no.7 for a hearing, no purpose will be

served in keeping the writ petition pending. The writ petition is disposed of with a direction upon the concerned municipality to hold a fresh hearing in accordance with law upon allowing the parties concerned to produce all the documents in support of their contentions. Upon conclusion of the hearing, a reasoned order shall be passed and communicated to all concerned.

The municipal authorities shall be free to take steps as permissible under the law on the basis of what transpires at the hearing and upon consideration of the contentions of the parties.

This Court has not gone into the merits of the claims and counterclaims of the parties.

The entire exercise shall be completed within a period of six weeks from the date of communication of this order. The next date of hearing shall be communicated to the parties by the concerned authorities, seven days in advance.

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.)