

27.07.2021
Court No. 19
Item no.8
sn

WPA No. 8112 of 2020

ASHOK MAITY & ANR. VS. THE STATE OF
WEST BENGAL & ORS.
(via video conference)

Mr. Debasis Kar
Mr. Subhajit Chowdhury
Mr. Husen Mustafi

...for the petitioners

Despite service, none appears on behalf of any of the respondents. Let the affidavit of service be taken on record.

The petitioners allege unauthorized constructions on the premises no. 46, Atul Krishna Banerjee Lane, Kolkata 700 036, under Ward No. 32 of the Baranagar Municipality.

The respondent nos.6&7 are the developers, who are developing the property by constructing a multi-storied building. It is alleged that the building rules are being violated.

A complaint has been lodged by the petitioners before the Baranagar Municipality and the same has not been disposed of.

Under such circumstances, this writ petition is disposed of, with a direction upon the competent authority of the Baranagar Municipality to consider and dispose of the complaint lodged by the petitioners dated August 24, 2020, in accordance

with law upon hearing the petitioners, the respondent nos. 6&7 and all other interested persons. An inspection of the premises shall be held. The respondent nos. 6&7 as also the petitioners shall be present during the inspection. Their signatures shall be obtained on the minutes of the inspection. The inspection report shall be supplied to all concerned. Thereafter, on the basis of the inspection report, a hearing shall be given to all concerned including the purchasers, if any, and a reasoned order shall be passed and communicated to all concerned. The Municipality shall reach the proceeding to its logical conclusion.

This Court has not gone into the merits of the claims and counterclaims of the parties and the municipality shall act in accordance with law, independently.

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

This writ petition is thus 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.)