

30.09.2021
Sl. No.7
srm

W.P.A. No. 8697 of 2020

Joydeb Sarkar
Vs.
The State of West Bengal & Ors.

Mr. J.L. Roy,
Mr. S.K. Kundu

...for the Petitioner.

Mr. Achintya Kumar Banerjee,
Mr. Indumouli Banerjee

...for the Ranaghat Municipality.

Mr. Rajarshi Basu,
Md. Mansoor Alam

...for the State-Respondents.

According to Mr. Banerjee, learned Advocate appearing on behalf of the Ranaghat Municipality, the competent authority of the municipality had called the parties for a hearing and for disposal of the complaint made by the petitioner. The petitioner alleged unauthorised construction by the respondent Nos.7 and 8 on a portion of Plot No.4253 in Mouza No.155, R.S. Khatian No.39389 situated on the southern side of the building of the petitioner and on the eastern side of the house of Dr. P. Subhasis. Attendance sheet has also been submitted by Mr. Banerjee. Mr. Banerjee, further hands over the written submission filed on behalf of the respondent Nos.7 and 8. The said documents are taken on record.

As the municipal authorities have already taken steps for disposal of the complaint lodged by the petitioner and as it is alleged by the petitioner that the dispute has not yet been resolved, this writ petition is disposed of directing the competent authority of the Ranaghat Municipality to act and proceed in accordance with law on the basis of the complaint lodged by the petitioner. The competent authority of the municipality is directed to cause an inspection in the presence of both the parties and the inspection report shall be handed over to the respective parties. Thereafter a hearing shall be held upon giving an opportunity to all the parties to make their submissions and produce documents in support of their contentions. Upon conclusion of hearing, a reasoned order shall be passed and communicated to all concerned. The municipal authorities shall act and proceed in accordance with law on the basis of what transpires at the time of hearing and during inspection. The municipal authorities shall reach the proceedings to its logical conclusion thereafter.

The entire exercise shall be completed within a period of five 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 the municipal authorities shall decide the entire issue independently.

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.)