

20.09.2021
Court No. 19
Item no.13
CP

WPA 10782 of 2020

Rupa Bibi @ Rupa Bibi Seikh
Vs.
State of West Bengal & ors.

Mr. Surya Prasad Chattopadhyay
Mr. Arjun Samanta

.....for the petitioner.

Ms. Sipra Majumdar
Ms. Srilekha Bhattacharya

.....for the State.

Mr. Sankar Halder

....for the respondents 2 & 3.

Affidavit of service is taken on record.

None appears on behalf of the respondent no. 6
despite service.

The contention of the petitioner is
unauthorized construction on Holding No. 30,
Cathidral Road, near Joler Para Maszid, Ward No.
18, under the Krishnanagar Municipality, District –
Nadia.

Learned advocate for the Krishnanagar
Municipality submits that unauthrozed construction
had been detected on two occasions and two ‘Stop
Work’ notices had been issued.

From the written instructions submitted by the
Administrator, Krishnanagar Municipality dated

October 13, 2020, it appears that as per spot enquiry construction by R.C.C. column with tie beam upto windowsill level was detected. The records of the municipality revealed that no building plan had been sanctioned. Such instruction is taken on record.

Under such circumstances, nothing remains to be decided in the writ petition. The writ petition is disposed of directing the competent authority/board of administrators of the municipality to take steps in accordance with law and conclude the same within a period of four months from the date of communication of this order.

It is made clear that all steps shall be taken upon hearing both the parties, i.e., the petitioner and the respondent no. 6. An inspection shall be made in presence of the petitioner as also the respondent no. 6. The report of inspection shall be supplied to both the parties. A hearing shall be held and both parties shall be allowed to participate and make their submissions. Thereafter, steps shall be taken as per the statute on the basis of what transpires at the hearing as also at the inspection.

This court has not gone into the merits of the claims and counter-claims of the parties. The entire issue shall be decided by the municipality independently upon hearing all the interested parties.

This writ petition is, thus, disposed of. There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)