

20.09.2021
Court No. 19
Item no.14
CP

WPA 10786 of 2020

Mita Mondal
Vs.
State of West Bengal & ors.

(via video conference)

Mr. Surya Prasad Chattopadhyay
Mr. Arjun Samanta

.....for the petitioner.

Mr. Ranjit Rajak

.....for the State respondents.

Mr. Sankar Halder

....for the respondents 2 & 3.

Mr. Biswarup Biswas
Mr. Gora Chand Samarbis

...for the respondent no. 6.

The writ petitioner alleges unauthorized construction on Holding No. 8/A, Ward No. 22, under the Krishnanagar Municipality, Police Station – Kotwali, District – Nadia.

Learned advocate for the Krishnanagar Municipality has submitted a report from which it appears that although some unauthorized construction had been detected and ‘Stop Work’ notice had been issued, subsequently the respondent no. 6 had demolished the unauthorized portion and

orders have been passed by the municipality directing the respondent no. 6 to construct in accordance with the sanction plan.

Mr. Biswas, learned advocate for the respondent no. 6, submits that on the direction of the municipality, the portions which were in deviation of the plan had been demolished and, thereafter construction has been going on, in accordance with the sanction plan. A copy of the plan has been produced in court.

The petitioner alleges that even after the order of the municipality, further deviations have occurred.

Although pursuant to the first complaint of the petitioner, the municipal authorities have taken steps and it is submitted by respondent no. 6 that the directions of the municipality have been complied with, yet the petitioner urges the court to pass an order directing the municipality to once again inspect the premises in question for the purpose of detecting whether there has been further deviation from the sanction plan or not.

The writ petition is based on the earlier complaint of the petitioner which has now become infructuous as the municipality has acted on the basis of such complaint.

However, if the petitioner lodges further complaint with the municipality with regard to

further illegal construction, in that case, the competent authority/board of administrators of the municipality shall dispose of the said complaint in accordance with law upon holding an inspection in presence of the parties and thereafter upon hearing both the parties. A reasoned order shall be passed and communicated to all concerned.

This court has not gone into the merits of the claims and counter-claims of the parties which are matters of inspection and facts. The entire issue shall be decided by the municipality independently.

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.)