

26.02.2021
SL No.17
Court No.24
(P.M.)

WPA 11635 of 2020

Somdeep Paul
Vs.
The State of West Bengal & Ors.

Mr. Debasish Ghosh,
Mr. Nilanjan Adhikari,
Mr. Subhajit Roy
... for the petitioner

Mr. Mrinal Kanti Biswas
... for the Respondent No. 8

The petitioner alleges illegal and unauthorised construction being made by the private respondent herein over the plot No. P-65, Basunagar Gate No. 3, Ward No. 11, Madhyamgram.

The petitioner complains that the objection raised against such illegal construction has not been considered by the respondent authorities till date.

It appears from a communication dated 8th October, 2020 by the Executive Officer of the Madhyamgram Municipality to the private respondent mentioning that on inspection by the staff of the Municipality it was observed that construction was being made in an illegal manner.

The private respondent was directed to stop work. The petitioner alleges that in spite of the stop work notice the private respondent is continuously making construction.

The learned advocate representing the private respondent submits that a plan was sanctioned for making

construction in the year 1997 and the construction work was over by the year 1998. The learned advocate denies that any construction work is continuing in the said premises presently.

Be that as it may, as it appears that the objection of the petitioner alleging unauthorised construction is pending at the end of the Madhyamgram Municipality, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 2 to consider and dispose of the representation made by the petitioner, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioner, within a period of twelve weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioner, immediately thereafter.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorised construction, in accordance with law.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at

the time of consideration of the representation of the petitioner.

As it appears that there is already a notice directing the private respondent to stop the construction work accordingly the private respondent is hereby restrained from making any further construction work in the aforesaid premises till a decision is taken by the respondent No. 2 in response to the objection raised by the petitioner.

The respondent No. 7 being the Inspector-in-Charge of the Barasat Police Station will ensure that the restrained order passed herein is strictly complied with by the private respondent.

The petitioner is directed to forward a copy of the representation dated 7th October, 2020 and the stop work order passed by the Executive Officer, Madhyamgram Municipality dated 8th October, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 11635 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)