

S/L 14
30.03.2022
Court. No. 19
GB

WPA 263 of 2021

Abhishek Mukherjee
VS
The State of West Bengal & Ors.

*Mr. Sandip Ghosh,
Mr. Partha Sarkar.*

...for the Petitioner.

*Mr. Mrinal Kanti Das,
Mr Subhabrata Das,
Mr. Kartick Kumar Goyal.*

...for the Municipality.

*Mr. Soubhik Mitter,
Ms. Rajnandini Das.*

...for the Respondent No.5.

Affidavits-of-service filed in Court today be kept with the record.

The petitioner is the neighbour of the respondent no.5. The allegation is that a lavatory as also an air conditioning machine had been constructed and installed on holding no.1875 under Ward No.1 of the North Barrackpore Municipality, without any permission.

The learned advocates for the municipal authorities and the respondent no.5 both submit that the air conditioning machine has been removed and the lavatory has been demolished. Photographs to that effect have also been produced before the Court. A report has also been filed by the municipality, from which it appears that the premise was inspected on three occasions and no new construction had been detected. The lavatory was in the process of demolition. It is further submitted by the respondent no.5, that the demolition has been completed.

In order to dispel any doubt with regard to the outcome of such demolition, an inspection of the premises shall be made by the competent authority of the municipality, in the presence of the parties in order to ascertain whether the demolition has taken place as per the verbal direction of the municipality. If it is found that the demolition of the lavatory and the removal of the air conditioning machine have already been done, an order to that effect shall be passed and intimated to the parties.

This Court has not gone into the merits of the claims of the petitioner.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)