

10.03.2022
Sl. No.27
srm

W.P.A. No. 3033 of 2022
Swarupananda Jana & Anr.
Versus
Midnapore Municipality & Ors.

Mr. Riju Ghosh

...for the Petitioners.

Mr. Chittapriya Ghosh,
Ms. Priyanka Saha

...for the Respondent No.4.

Despite service none appears on behalf of the Midnapore Municipality. Affidavit of service is taken on record.

The petitioners claim to be the owners, in occupation of land and a dwelling house situated on Holding No.110, Basanti Tala Lane, Ward No.15 under the Medinipur Municipality. The petitioners allege that the respondent Nos.4 to 6 have made some unauthorised construction on Holding No.109, Basanti Tala Lane, Ward No.15 under the Medinipur Municipality. The petitioners claim to be the residents of the locality and adjoining plot owners. The allegations are that the construction has been made without permission from the authority and also in violation of the rules. Reliance has been placed on some communication from the Chairperson, Board of Administrators to the said Municipality, from which it appears that a stop work notice

had been issued and the municipality had detected some unauthorised constructions.

As the municipality has *prima facie* detected some unauthorised construction, nothing further remains to be decided in this writ petition.

The writ petition is accordingly disposed of with a direction upon the competent authority of the Medinipur Municipality to act and proceed in accordance with law and dispose of the complaint dated January 27, 2022 lodged by the petitioners in accordance with law. While doing so, the competent authority of Medinipur Municipality shall adhere to the following procedures:-

- (a) The competent authority of the Medinipur Municipality shall cause an inspection of the premises in question in the presence of the petitioners and the respondent Nos.4 to 6 in order to ascertain whether there has been any unauthorised construction and also to ascertain the extent and nature of the unauthorised construction, if any.
- (b) A copy of the inspection report shall be handed over to the respective parties.
- (c) The petitioners as also the respondent Nos.4 to 6 shall be given a hearing.

- (d) The parties shall be allowed to file their written versions and adduce oral and documentary evidence in support of their respective claims at the time of hearing.
- (e) A reasoned order shall be passed and communicated to all concerned.
- (f) Needless to mention, the entire proceedings, so initiated, shall be reached to its logical conclusion and the Corporation will be at liberty to proceed in accordance with law, if any unauthorised construction is detected.
- (g) If the construction is *prima facie* found to be irregular and is continuing, then interim measures shall be taken.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

This Court has not gone into the merits of the claims and counterclaims of the parties and all points are left open for decision by the Corporation.

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.)