

M/L 102
05.7.2022
Court No.24
SD

WPA 5150 of 2021

Sri Bibhas Das @ Bibhas Chandra Das
Vs.
The State of West Bengal & Ors.

Mr. Sanjib Bandyopadhyay

...for the Petitioner.

Mr. Manas Kundu

Mr. Sudip Sarkar

...for the State.

Affidavit of service filed by the petitioner in Court today be kept with the record.

The petitioner submits that Haldia Municipality has sanctioned building plan in favour of the respondent no.6 for construction of a building under the Housing for All scheme.

The private respondent has encroached upon the land of the petitioner to make the said construction. The private respondent has made construction in such a manner that the way to the pond is being obstructed.

The petitioner made representation before the Chairman of the Haldia Municipality on March 20, 2020 and alleges that the same has not been taken into consideration till date.

None appears either on behalf of the Municipality or the respondent no.6 at whose instance the unauthorized construction has been made.

The petitioner has annexed an order passed by the Executive Magistrate, Haldia in M.P. Case No.1411 of 2016

under Section 147 of the Code of Criminal Procedure wherein the learned Court below was prima facie satisfied that the opposite party was obstructing the pathway by erecting bamboo fence on plot nos.671 and 674 i.e. the way to the pond. The Court was pleased to direct the person responsible to remove obstruction.

As the representation filed by the petitioner is yet to be considered and disposed of by the Municipality, accordingly, the respondent no.2 is directed to consider and dispose of the representation filed by the petitioner on March 20, 2020 strictly in accordance with law after giving reasonable opportunity of hearing to all the necessary parties at the earliest but positively within a period of twelve weeks from the date of communication of this order and pass a reasoned order and communicate the same to all the parties immediately thereafter.

The petitioner is directed to forward a copy of the representation dated March 20, 2020 and a copy of the order dated May 5, 2017 passed by the learned Executive Magistrate, Haldia to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Amrita Sinha, J.)