

06.07.2022
rc/ct.no.24
Item No.ML-109

WPA No. 5960 of 2021
Sri Tapas Kumar Ballav
Versus
State of West Bengal & Ors.

Mr. Sanjib Seth ...for the Petitioner

Mr. Triptimoy Talukder
Mr. Diptomoy Talukder
Mr. Abhiraj Tarafdar
...for the Konnagar Municipality

Mr. Prasenjit Debnath
...for the respondents no.10 & 11

Mr. Sudipa Roy
Mr. Srinath Singha Royfor the State

Affidavit of service filed in Court today is taken on record.

Learned advocate for the Konnagar Municipality submits that he has filed Vakalatnama in the department vide filing No. A-3619 dated 08.03.2021. The department is directed to tag the same with the records.

Leave is granted to the learned advocate of the petitioner to implead the Chairman, Konnagar Municipality as party respondent in the instant writ application. The formality of serving a copy of the writ petition upon the Chairman, Konnagar Municipality stands dispensed with as learned advocate has already entered appearance on behalf of the Konnagar Municipality.

The petitioner alleges illegal construction at the instance of the respondent nos. 10 and 11 over the

Municipal Holding No. 22, Vidyasagar Street, Ward No. 09 under the jurisdiction of the Konnagar Municipality.

The petitioner made a complaint before the Konnagar Municipality on 10.11.2020. On receipt of the complaint from the petitioner, the Konnagar Municipality issued a stop work notice to the developer of the property i.e. respondent nos. 10 and 11 herein directing them to stop construction immediately and to appear before the Municipal Authority with all necessary documents regarding the construction on 23.12.2020.

It has been submitted by the learned advocate of the petitioner that thereafter no further steps have been taken by the Municipality to demolish the unauthorised construction that has been made.

Learned advocate representing the Konnagar Municipality, submits that the Municipality will take steps for completion of the proceeding regarding unauthorised construction.

Learned advocate representing the respondent nos. 10 and 11 submits that a portion of the construction has been made in accordance with the plan but thereafter certain portion has been constructed over the roof of the property in question. Nothing has been produced before this Court to show that the construction on the roof was made after obtaining permission/ sanction from the Municipality.

In view of the above, the Chairman, Konnagar Municipality is directed to take prompt necessary steps to deal with the unauthorised construction that has been made in the aforesaid premises strictly in accordance with law, after affording reasonable opportunity of hearing to all the necessary parties positively within a period of twelve weeks from the date of communication of this order.

The aforesaid respondent shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

The petitioner is directed to forward a copy of the stop work notice dated 17.12.2020 to the Chairman of the Municipality at the time of communicating the order of this Court.

Writ petition is disposed of.

There shall be, however, no order as to costs.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Amrita Sinha,J)