

27th April,
2022
(AK)
18

W.P.A 5291 of 2022

Amjed Ali Mir
Vs.
The State of West Bengal and others

Mr. R. Banerjee
Ms. Jahanara Begum
Mr. B. Chatterjee
...for the petitioner.

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das
...for the State.

Mr. Raghunath Chakraborty
Mr. M. Ahmed
...for the Municipality.

Despite service, none appears for the private respondents although the State, Municipality and, of course, the petitioner are represented through counsel.

The grievance of the petitioner is that, despite several representations on the part of the petitioner, the concerned Municipality, that is, Maheshtala Municipality has not been taking any steps with regard to the allegation of unauthorized construction by the respondent nos.7 to 9.

Learned counsel appearing for the Municipality submits that the primary dispute between the private parties is civil in nature.

A perusal of Section 218(1) of the West Bengal Municipal Act, 1993 indicates that, in the event the Board

of Councillors of a Municipality is satisfied on the counts as indicated in the said Section, the said Board can, upon compliance of the formalities as stipulated in Section 218, order the demolition or alteration of buildings in certain cases.

Hence, WPA 5291 of 2022 is disposed of by directing the respondent nos.2 and 3 to ensure that the representations of the petitioner with regard to the alleged unauthorized constructions made by respondent nos.7 to 9 herein is looked into by the Board of Councillors and, in the event the Board is satisfied that the erection of the building falls within any of the tests as stipulated in Section 218(1) of the West Bengal Municipal Act, 1993 to take appropriate action in consonance with the said Section for proceeding with demolition or alteration of the unauthorised constructions.

It is expected that the Board of Councillors shall take such action as expeditiously as possible.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)