

27.1.2022
Sl. No.19
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W.P.A. No. 6465 of 2021
Kalidaha (Kalindi) Plot Owners' Association & Ors.
Vs.
The Chairperson/Administrator, Board of
Councillors, South Dum Dum Municipality & Ors.

Mr. Pranit Bag
....for the petitioners
Ms. Mousumi Bhowal
..for the municipality

Mr. Tapan Coomer Dey
Ms. Shreya Chatterjee
..for the W.B. Housing Board.

The petitioner no.1 is an association and the petitioner nos. 2&3 are the President and Secretary of the Kalidaha(Kalindi) Plot Owners' Association. The grievances of the petitioners are that the South Dum Dum municipality have allowed constructions over the areas demarcated to be used as a common facilities by the persons in the locality. According to the learned advocate for the petitioners, the plots earmarked for parks, open spaces, car parking areas, bus stand, taxi stand and water reservoir etc. were allowed to be used by private parties for development of multi-storeyed buildings, illegally and in contravention of the original development plan of the locality.

It is alleged that the South Dum Dum municipality could not have permitted such constructions in the open

areas, without conversion of those areas to plots for construction work.

It is further submitted that the municipality has accepted high premium from such parties during the transactions.

On the basis of similar allegations, a writ petition had been moved before this Court, which was disposed of on May 10, 2012. The petitioners were granted liberty to approach the Commissioner, West Bengal Housing Board with their grievances and the concerned authority was directed to pass a reasoned order. It was also directed that no unauthorised constructions should be raised on such common areas till the disposal of the matter by the Commissioner, West Bengal Housing Board. The records do not reveal whether the proceedings before the West Bengal Housing Board had come to a conclusion. It appears that the allegations of the petitioners were found to be correct by the West Bengal Housing Board. The Board directed the municipality to submit documents in support of such construction on the common areas. It is also alleged that the South Dum Dum municipality has continued to allow such constructions, despite the order passed by the Commissioner.

The initial order was passed in 2012 and the West Bengal Housing Board had also taken up the matter in 2012. There is nothing on record to show that the

proceeding before the West Bengal Housing Board had been concluded. No such order is forth coming.

Under such circumstances, this writ petition is disposed of with a direction upon the petitioners to approach the Commissioner, West Bengal Housing Board ventilating their grievances in accordance with law and if such approach is made, the same shall be disposed of upon hearing a representative of the petitioners and also the representative of South Dum Dum municipality. A reasoned order shall be passed and communicated within a period of three months from the date of communication of this order.

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.)