

36
13.12.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 6032 of 2022

**Banasri Mondal
-versus
The State of West Bengal & Ors.**

**Mr. Arijit Bakshi,
Mr. Vevekananda Bose,
Mr. Sukanta Ghosh,
Mr. Ratikanta Pal.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Sobhan Majumder,
Mr. Ankit Sureka.
...For HMC.**

**Mr. Ayan Banerjee,
Ms. Debasree Dhamali.
...For the Respondent No.7.**

**Mr. Alok Kumar Ghosh,
Mr. Sandip Ghosh,
Mr. Mousumi Chatterjee.
...For the Respondent No.11.**

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

The petitioner claiming to be a social worker and R.T.I. activist alleges illegal and unauthorized construction at premises no. 11, Ramnabamitala Lane presently under the jurisdiction of Bally Municipality.

The petitioner refers to the reply under the R.T.I Act given by the Bally Municipality.

Prayer has been made for taking appropriate action against the unauthorized construction.

Learned advocate appearing for the private respondent submits, upon instructions, that the construction has been made in accordance with the plan sanctioned.

Learned advocate appearing for the Bally Municipality submits, upon instructions, that an inspection was conducted which revealed that additional floors have been constructed and there is deviation in the construction made.

As it appears from the submission made on behalf of the Municipality that unauthorized construction has already been detected, accordingly, the Municipality is directed to forward a copy of the inspection report upon the person responsible for making unauthorized construction including the respondent no.11 herein.

The Bally Municipality is directed to take steps in accordance with law, to deal with the unauthorized construction after giving a reasonable opportunity of hearing to the private respondent.

As the petitioner has already drawn the attention of the Municipality to the illegality committed at the time of making construction there is no further role of the petitioner in the matter presently. The illegality is required to be taken care of by the Municipality. Accordingly, there is no requirement of affording any opportunity of hearing to the petitioner.

In the event the Municipality comes to a considered opinion that the construction has indeed been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to demolish such unauthorized construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)