

18.01.2022
Court No. 19
Item no.05
CP

WPA 8326 of 2021

Sri Sanjoy Chatterjee & ors.
Vs.
The State of West Bengal & ors.

Mr. Indrajit Chatterjee
.....for the petitioners.

Mr. Manoj Malhotra
Mr. Suman Dey
.....for the State.

Mr. Angshuman Chakraborty
.....for the respondents 6 & 7.

Petitioners have alleged that the respondent nos. 6 and 7 have raised certain illegal constructions on Premises No. 29, Mahakalitala Main Road, Ward No. 7 under the Bansberia Municipality. It has been specifically pleaded in the writ petition that the competent authority of the said municipality had issued a 'Stop Work' notice.

Mr. Chakraborty, learned advocate appearing on behalf of the respondent nos. 6 and 7, submits that pursuant to the 'Stop Work' notice, an objection was filed by the said respondents denying the allegations of illegal construction levelled against the said respondents. He submits that the construction

has been made as per the plan and in compliance with the building rules.

Be that as it may, as the Bansberia Municipality has already taken cognizance of the allegations of the petitioner, nothing remains to be decided in the writ petition. The Bansberia Municipality shall reach the proceedings to its logical conclusion by following the procedure as stated hereunder:

- a) An inspection of the site shall be conducted. Such inspection shall be held in the presence of the parties, with 48 hours advance notice to the petitioner and the respondents 6 and 7.
- b) The report of the inspection shall be prepared along with the sketch map indicating the extent of deviation and/or illegal construction, if any.
- c) Such report shall be handed over to the petitioner as also the respondents 6 and 7.
- d) A hearing shall be given to the petitioner and the respondents 6 and 7. The parties must also be allowed to furnish their written objection/version to the said report and adduce oral and documentary evidence in support of their contentions before the competent authority.

e) A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in terms of the statute.

The court has not gone into the merit of the claims and counter-claims of the parties and the issues shall be decided independently.

In view of the rising pandemic situation, the entire exercise shall be completed within a period of eight months from the date of communication of this order.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)