

15
07.06.2022
d.p.

W.P.A. 7255 of 2022

Sanjit Ghoshal
-versus
The State of West Bengal & Ors.

Mr. Manabendra Thakur,
Mr. Partha Sarathi Das.
...For the Petitioner.

Mr. Ayan Banerjee.
...For the Municipality.

Mr. Himadri Sikhar Chakraborty,
Mr. Arunava Maity.
...For the State.

Mr. Apurba Kumar Ghosh.
...For the Respondent
Nos. 6 & 7.

Leave is granted to the learned advocate for the petitioner to implead the Officer-in-charge, Bally Municipality as respondent in the instant writ petition. The formality of serving a copy of the writ petition upon the added respondent stands dispensed with as learned advocate has already entered appearance on behalf of the State respondents.

The petitioner alleges illegal and unauthorized construction by the private respondents in the premises No. 14 and 15, Bireswar Chatterjee Street, P.O. and P.S.-Bally under the Bally Municipality.

The submission of the petitioner is that a seven storied unauthorized construction has been made over the said premises by the private respondents.

The petitioner alleges that the complaint lodged by him before the Bally Municipality on 15th March, 2022 has not been taken up for consideration till date.

Learned advocate appearing for the Bally Municipality submits, upon instructions, that on 25th/28th April, 2022, notice under Section 220(1) of the West Bengal Municipal Act, 1993 was issued to the respondent Nos. 7 and 8 directing the parties to immediately stop work in respect of the said premises. The said notice also mentions that G+6 storied building is standing thereon wherein 5th and the 6th floor is unauthorized.

Learned advocate appearing for the private respondents denies the allegation of unauthorized construction by his clients.

It appears from the submissions made on behalf of the petitioner and the municipality that indeed there has been illegal and unauthorized construction.

The municipality has come to a prima facie finding that 5th and 6th floor of the said construction is unauthorized. The petitioner has submitted that over and above the unauthorized 5th and 6th floor, a 7th floor has also been constructed.

Under such circumstances, the instant writ petition is disposed of by directing the Bally Municipality through its authorized representative i.e. the Administrator of the Bally Municipality to take prompt necessary steps for demolition of such unauthorized construction, strictly in accordance with law, at the earliest, but positively within a period of

ninety days from the date of communication of a copy of this order.

The aforesaid respondent shall afford an opportunity of hearing to the petitioner as well as the person(s) responsible for making construction prior to taking a decision in the matter.

The Officer-in-charge of the Bally Police Station is directed to maintain strict vigil over the property to ensure that no further construction is being made in the said premises till a decision is taken in the matter by the municipality.

The Administrator of the municipality is directed to communicate the reasoned order to all the parties immediately after taking a decision in the matter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)