

Item No. 154(ML)

20.07.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8764 of 2021
Sk. Raju & Anr.
v.
The State of West Bengal & Ors.

Ms. Sohini Chakraborty
Mr. Arijit Sarkar
... for the petitioners.

Mr. R.N. Chakraborty
Mr. M. Ahmed
... for the Municipality.

None appears on behalf of the respondent no. 4
despite service.

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

The petitioners allege inaction on the part of the
Maheshtala Municipality in concluding the proceeding
initiated in response to the complaint lodged by the
petitioners against the unauthorized construction made
at the instance of the respondent no. 4.

The Municipality issued a stop work notice on
February 25, 2021 but thereafter did not take any steps
in the matter.

The petitioners submit that despite the stop work
notice, the construction is going on in full swing.

The learned advocate representing the Municipality submits that the Municipality will take steps in accordance with law.

As it appears that the Municipality has already responded to the initial complaint lodged by the petitioners, and issued stop work notice, accordingly, it is incumbent on the part of the Municipality to conclude the proceeding which has already been initiated.

In view of the above, the Board of Councillors of Maheshtala Municipality is directed to take proper necessary steps to conclude the proceeding already initiated strictly in accordance with the law, at the earliest, but positively within a period of four months from the date of communication of a copy of this order.

The Board of Councillors shall intimate the petitioners the action taken in this matter immediately thereafter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)