

Sl. No.87
20.07.2022
BM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 7520 of 2022

Mousumi Paul
versus
State of West Bengal & Ors.

Mr. Anirban Pal
Mr. Subhankar Das,
... for the Petitioner
Mr. Jayanta Narayan Mahanty
Mr. Bodhisatta Basu
... for the respondent Nos. 2 to 5

Learned advocate representing the respondent nos.2 to 5 has filed his Vakalatnama in the department being filing No.A-13449 dated 20.07.2022.

The department is directed to tag the Vakalatnama with the records of the present case.

The petitioner alleges that the private respondent Uttam Kumar Das is constructing a mobile tower behind the residence of the petitioner at Labanya Apartment near Bata more, Jagtala, Ward No.28, Police Station-Maheshtala, Kolkata-700 141, under the jurisdiction of Maheshtala Municipality.

In response to the complaint filed by the petitioner, the Sub Assistant Engineer of Maheshtala Municipality issued a stop work notice addressed to the respondent no.8 directing him to immediately discontinue with the work. The stop work notice

mentions that construction was being made without any sanctioned plan or in deviation of the sanctioned plan.

The petitioner submits that despite stop work notice, the private respondent was merrily going on with the construction work.

The petitioner made further representation before the Municipality and alleges that the same has not been taken into consideration till date.

Learned advocate representing the Maheshtala Municipality submits that a stop work notice was issued in favour of the private respondent but the learned advocate is not aware as to whether any further steps were taken in the matter or not.

As it appears that the Municipality has already issued a stop work notice and has also issued a notice of hearing to the private respondent, accordingly, the Sub Assistant Engineer, being the respondent no.4, is directed to take prompt necessary steps to ensure that the stop work notice is strictly followed by the private respondent and no illegal construction is being made at the said premises.

The respondent no.5 shall give an opportunity of hearing to the petitioner and other necessary parties and decide the issue with regard to unauthorised construction being made thereon. Decision shall be taken in the matter at the earliest, but positively within

a period of twelve weeks from the date of communication of this order.

The Municipality shall ensure that till a decision is taken, no construction is being made at the said premises.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)