

**Sl. No.165**  
**(Monthly List)**  
**25.07.2022**

Court No.24  
B.M.

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

**W.P.A 9697 of 2021**

**Sri Dipak Manna**  
**Versus**  
**The State of West Bengal & Ors.**

Mr. Haridas Das  
Mr. Ujjwal Trivedi  
Mr. Sujal Dey

... for the Petitioner

Mr. Malay Krishna De  
Mr. Biswajit Dutta

... for the State

The petitioner claims to be a resident of premises No.36B, Atul Krishna Banerjee Lane, Kolkata-700036, ward No.32, under the jurisdiction of Baranagar Municipality.

The petitioner complains that the owners of the adjacent plot at premises No.36, Atul Krishna Banerjee Lane, Kolkata-700036, are making illegal and unauthorised construction in violation of the West Bengal Municipal Act, 1993 and the West Bengal Municipal (Building) Rules, 2007.

Further allegation is that construction is being made in violation of the plan sanctioned by the Municipality.

The petitioner filed representation before the Municipality on 31<sup>st</sup> March, 2021 objecting to the

unauthorised construction and alleges that the same has not been taken up for consideration till date.

None appears on behalf of person responsible for making construction.

Affidavit of service filed in Court is taken on record.

None appears on behalf of Baranagar Municipality despite service.

The State is represented by the learned advocate.

Accordingly, the instant writ petition is disposed of directing the Board of Councillors, Baranagar Municipality, being the respondent no.5 herein, to take steps to consider and dispose of the representation dated 31<sup>st</sup> March, 2021 which was filed on behalf of the petitioner at the earliest, after giving reasonable opportunity of hearing to the petitioner and all other necessary parties.

The aforesaid respondent shall pass a reasoned order upon consideration of the representation positively within a period of twelve weeks from the date of communication of this order.

The said respondent shall communicate the reasoned order to all the parties immediately thereafter.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to

deal with such unauthorized construction, in accordance with law.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the respondent at the time of consideration of the representation of the petitioner.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 31<sup>st</sup> March, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

**( Amrita Sinha, J.)**