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29.11.2022
d.p.

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

W.P.A. 8552 of 2022

**Braja Gopal Bag
-versus
The State of West Bengal & Ors.**

**Mr. Sudeep Sanyal,
Mr. Sukanta Das,
Ms. Lopa Mudra Moitra.
...For the Petitioner.**

**Mr. Sujay Banduopadhyay,
Mr. Shambhu Mahato.
...For the Municipality.**

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

The petitioner complains of illegal and unauthorized construction.

Reference has been made to an enquiry report allegedly prepared by the Sub-Assistant Engineer of the Midnapore Municipality on 18th December, 2021 and submitted before the Chairperson, Board of Administrators of the Midnapore Municipality clearly mentioning that on inspection of the spot, construction in the ground floor with asbestos shed on bricks wall have been found to be done by the Secretary of the Club without prior permission of the Municipality.

The person responsible for making construction did not produce any paper in support of the construction.

The petitioner complains that till date no steps have been taken by the Municipality to deal with such unauthorized construction.

Learned advocate appearing for the Municipality submits that steps will be taken in accordance with law.

None appears on behalf of the persons responsible for making construction being the respondent Nos. 7 to 11.

As it appears that a preliminary enquiry has already been conducted nearly eight years back and no document in support of the construction has been produced before the Municipality till date, accordingly, the Municipality is directed to invoke the provision of Section 218 of the West Bengal Municipal Act, 1993 and take all endeavour to conclude the proceeding within a period of four months from the date of communication of a copy of this order.

Formal order shall be passed and communicated to the parties.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)