

14-12-2022
Item No.42
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.8564 of 2022
Pralay Kumar Chakraborty

-vs-

The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty
Mr. Arghya Kumar Das ...for the petitioner

Ms. Sudipa Ray
Mr. Srinath Singha Roy ...for the State

Mr. Subhadeep Bhattacharjee
Mr. Touhid Khan ...for respondents no.8 & 9

The petitioner complains that the eighth and ninth respondents have constructed corrugated roof atop the boundary wall of the petitioner without obtaining any permission either from the petitioner or from the Serampore Municipality. Objection raised before the municipality alleging unauthorised construction has not been considered till date. Reliance has been placed upon the police report filed in connection with the proceeding initiated by the petitioner before the Judicial Magistrate.

None represents the Serampore Municipality.

Affidavit of service filed in court is taken on record.

Learned advocate representing the private respondents submits, upon instructions, that the premises in question has been sold off by them, and at this stage they are not in any way connected with the said premises.

Learned advocate representing the petitioner submits that the petitioner is unaware of the alleged sale. It has been

submitted that had the private respondents sold off the property, a copy of the writ petition could not have been received by them at the said address.

Be that as it may, without barking upon an inquiry as to who is the owner/occupier of the subject premises, the question to be adjudicated is whether the construction complained of is an authorised one or not. The objection filed by the petitioner is pending consideration before the municipality.

In view of the above, the instant writ petition is disposed of by directing the Board of Councillors of Serampore Municipality to take steps for considering the representation filed by the petitioner on April 28, 2022 in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order at the earliest but positively within a period of twelve weeks and communicate the same to the parties immediately thereafter.

In the event the municipality is of the opinion that the construction complained of is an unauthorised one, steps shall be taken to deal with the same in accordance with law.

Learned advocate for the petitioner is directed to forward a copy of the representation dated April 28, 2022 along with documents in support of the grievance to the aforesaid respondents communicating the order of the Court.

The writ petition is thus disposed of. No order as to costs.

Urgent certified copy of this order, if applied for, shall be made available to the parties after compliance of all legal formalities.

[Amrita Sinha, J]