

18.01.2022

Sl. No. 14

ss

**W.P.A. 10584 of 2021
(Through Video Conference)**

Sarojani Pandey

Vs.

The State of West Bengal & ors.

Mr. Dyutiman Banerjee

Mr. Partha Pratim Roy

...for the Petitioner.

Mr. Santanu Kumar Mitra

Ms. Sangeeta Roy

... for the State

Mr. Saunak Bhattacharya

... for the respondent no.6

Petitioner has alleged that the respondent no.6 has made some illegal construction on plot nos.160 and 161 under Ward No.12 of the Baruipur Municipality. The petitioner submits that despite a complaint dated March 12, 2021, the competent authority of the Baruipur Municipality has not taken any steps in the matter. It is also submitted that the request for information under the Right to Information Act has not been supplied to the petitioner.

Mr. Bhattacharya, learned Advocate appearing on behalf of the respondent no.6 submits that there has not been any unauthorised construction.

Be that as it may, as the petitioner has raised objections with regard to the construction of the respondent no.6, the

authorities of Baruipur Municipality are duty bound to act and proceed in accordance with law upon verification of the correctness of the complaint filed by the petitioner.

Under such circumstances, this writ petition is disposed of with a direction upon the competent authority of the Baruipur Municipality to act and proceed in accordance with law on the basis of the complaint made by the petitioner, by adhering to the following procedure :-

- (a) The competent authority of the Baruipur Municipality shall cause an inspection of the premises in question in the presence of the parties in order to ascertain whether there are any unauthorised constructions and also to ascertain the extent and nature of the unauthorised constriction, if any.
- (b) A copy of the inspection report shall be handed over to the respective parties.
- (c) The petitioner, the respondent No.6 shall be given a hearing.
- (d) The parties shall be allowed to file their written versions and adduce oral and documentary evidence in support of their respective claims at the hearing.
- (e) A reasoned order shall be passed and communicated to all concerned.

(f) Needless to mention that the entire proceedings shall be reached to its logical conclusion in terms of the provisions of the West Bengal Municipal Act.

In view of the rising pandemic situation, the entire exercise shall be completed within a period of eight months from the date of communication of this order.

It is made clear that the question of title, encroachment, boundary disputes, etc. shall not be gone into by the municipal authorities. The enquiry of the municipal authorities will be limited to the question as to whether construction has been made in the absence of any permission and/or in deviation of the permission and the rules. While disposing of the complaint, if it is found that the construction is going on illegally, the municipal authorities shall be at liberty to impose restrictions and take such interim measures as permitted under the law.

This Court has not gone into the merits of the claims and counterclaims of the parties and all points will be decided by the municipal authorities, independently.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)