

Item No. 104(ML)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

09.09.2022
Ct-24

WPA 12127 of 2021
Hatif Hassan
v.
The State of West Bengal & Ors.

Mr. Sajal Kumar Ghosh
... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata
... for the State.

The State is represented by the learned
advocate.

The petitioner claims to be the owner and
occupier of plot no. 1616/4204, L.R. Khatian
No. 3961, J.L. No. 19, Ward No. 04 under the
Asansol Municipal Corporation.

With the intention of making construction
of a residential house the petitioner applied for
sanction of building plan and the same was
sanctioned on February 28, 2017.

After the petitioner started construction
work in accordance with the sanctioned plan,

the Sub-Assistant Engineer, Borough-1 of the Asansol Municipal Corporation issued a stop work notice.

According to the petitioner, the same has been issued on the basis of a complaint lodged before the Corporation by the respondent nos. 8 & 9.

It appears from the documents annexed to the writ petition that Asansol Municipal Corporation directed the parties to remain present at the time of joint survey. The joint survey could not be conducted on June 24, 2020 in view of the lock down imposed by the State.

The petitioner submits that since thereafter the Corporation has not taken any steps in the matter and the petitioner is not in a position to raise construction despite having a proper sanctioned plan.

The petitioner claims to have filed representation before the Asansol Municipal Corporation in January 2021 and submits that the same has not been considered till date.

None appears either on behalf of the Asansol Municipal Corporation or on behalf of the respondent nos. 8 & 9.

As it appears that the Asansol Municipal Corporation failed to conclude the joint survey, accordingly, the Corporation is directed to conclude the survey and thereafter take a decision with regard to the representation filed by the petitioner.

An opportunity of hearing be given to the petitioner and the respondent nos. 8 & 9 prior to taking a final decision in the matter.

The Corporation is directed to complete the entire exercise at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The Corporation shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

Learned advocate for the petitioner is directed to forward a copy of the representation dated January 20, 2021 along with other documents in support of his claim to the

aforesaid respondent at the time of communicating the order of this Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)