

Item No. 13

19.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13001 of 2021

Sri Rabindra Nath Ghosh
v.
The State of West Bengal & Ors.

Mr. Sanat Kumar Roy
Mr. Abhishek Banerjee
... for the petitioner.

Mr. Jahar Dutta
Mr. Jaladhi Das
... for the State.

Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee
Ms. Shreyasi Bhaduri
... for the Municipality.

Mr. Tanay Chakraborty
Mr. Debapratim Guha
... for the respondent nos. 7 & 8.

The petitioner alleges illegal and unauthorized construction at the instance of the respondent nos. 7 & 8.

It appears from the documents annexed to the writ petition that in response to the complaint filed by the petitioner, the Municipality conducted a spot inspection wherefrom it was revealed that unauthorized construction was being made by the private respondents.

By a notice dated May 10, 2021 the Municipality directed the private respondents to show cause within fifteen days as to why an order under the West Bengal

Municipal Act, 1993 for removing unauthorized structure shall not be passed by the Board of Councillors.

The grievance of the petitioner is that thereafter no further steps have been taken by the Municipality to deal with the unauthorized construction.

The petitioner alleges that the representation dated June 30, 2021 has not been answered by the Municipality.

Learned advocate representing the private respondents submits, upon instruction that, certain renovation work was going on. The show cause notice does not clearly specify the extent of the deviation.

Learned advocate representing the Municipality admits that a spot inspection was conducted when it transpired that the private respondents made unauthorized construction.

It appears from the submissions and documents placed before this Court that the proceeding for dealing with such unauthorized construction is yet to be concluded.

In view of the above, the instant writ petition is disposed of by directing the Board of Councillors of the Uttarpara-Kotrung Municipality to take appropriate necessary steps to deal with the unauthorized construction made by the private respondents in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The Municipality shall intimate the parties the nature of the unauthorized construction, if any, that is required to be demolished.

A formal order shall be passed by the Municipality intimating the parties the fate of the proceeding.

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

Instruction given by the learned advocate of the Uttarpara-Kotrung Municipality be retained with the records.

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.)