

S/L 12
08.09.2022
Court. No. 19
sn

W.P.A. 13465 of 2021

Gopal Sana
VS
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh ...for the Petitioner

Ms. Manjuli Chowdhury
Ms. Mekhla Sinha ..for the respdts.2-4

Despite service, none appears on behalf of the respondent nos. 10 to 18. Let the affidavit-of-service filed in Court today, be kept with the records.

As the Court is not inclined to pass any mandatory orders as prayed for by the petitioner, but is relegating the matter to the competent authority, this writ petition is disposed of in the absence of the respondent nos. 10 to 18. The petitioner alleges unauthorised construction by the said respondents.

It appears that pursuant to the complaint filed by the petitioner alleging unauthorised construction, the District Engineer, Howrah Zilla Parishad had issued a notice upon the respondents. According to the petitioner, no further steps were taken thereafter.

Learned advocate for the Howrah Zilla Parishad submits that the process has not been completed as yet.

Under such circumstances, the competent authority of the Howrah Zilla Parishad while disposing of the complaint, of the petitioner will follow the below mentioned procedure:-

a) An inspection shall be conducted. Such inspection shall be held in the presence of the petitioners and the respondent nos.10 to 18 within three weeks. Advance notice of the inspection shall be served upon the petitioners and the respondent nos.10 to 18. If the parties are not available to accept notice, the authorities shall affix the notices of hearing and inspection at conspicuous places in their respective premises.

b) In case, it is found on preliminary inspection that there may be reasons to believe that the construction was without permission and had been continuing, the authorities may take such interim measures by stopping such construction.

c) The report of such inspection shall be prepared along with the sketch map, indicating the extent and nature of unauthorized construction, if any.

d) Such report shall be handed over to the parties.

e) A hearing shall be given to the petitioner and the respondent nos. 10 to 18. The parties must also be allowed to furnish their written objection/version to the said report and adduce oral and documentary evidence in support of their contentions before the competent authority. All points raised by either party, shall be decided.

f) A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the

proceedings shall be reached to its logical in accordance with law .

The entire exercise shall be completed within a period of four months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocates' communication.

(Shampa Sarkar, J.)