

Item No. 19

05.12.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13697 of 2021
Kajal Bhattacharya & Anr.
v.
Panihati Municipality & Ors.

Mr. Mrinal Kanti Mukherjee
... for the petitioners.

Mr. R.A. Khan
... for the private respondent.

Mr. Bikash Kumar Chatterjee
... for the Municipality.

The petitioner complains of illegal and unauthorized construction.

In the earlier writ petition filed by the petitioner being WP 15134(W) of 2018, the Court by order dated September 17, 2018 directed the Municipality to invoke the provision of Section 218 of the West Bengal Municipal Act, 1993 as report filed by the Municipality mentioned about detection of unauthorized construction.

It appears that though the Municipality issued notice under Section 218(1) of the Act of 1993, but thereafter did not take any steps to conclude the said proceeding.

The petitioner prays for a direction upon the Municipality to demolish the unauthorized construction.

Learned advocate representing the Municipality submits that though proceeding was initiated, but the

same could not be concluded as the Board became defunct. It has been submitted that new Board has started functioning on and from April 2022. Leave has been sought for initiating the proceeding under Section 218 afresh and for conclusion of the same.

Learned advocate representing the private respondent is not ready with proper instruction.

As it appears that the Court in the earlier writ petition already directed the Municipality to invoke the provision of Section 218 of the 1993 Act, accordingly, the Panihati Municipality is directed to take steps to initiate proceeding under Section 218 of the Act of 1993 strictly in accordance with law and conclude the same at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

A formal order shall be passed upon giving notice of hearing to all the parties and communicated to the parties immediately thereafter.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)