

S/L 24
19.01.2022
Court. No. 19
GB

WPA 13658 of 2021

Rohit Barik
Vs.
Ghatal Municipality & Ors.

(Through Video Conference)

*Mr. Tanmoy Mukherjee,
Mr. Koushik Roy.*

...for the Petitioner.

*Mr. Debdutta Pathak,
Mr. Rwitwendra Banerjee.*

...for the Respondent No.8.

Mr. Swarup Kumar Ghosh.

...for the Respondent Nos.1 to 3.

Pursuant to the direction of this Court the Chairperson of the Ghatal Municipality prepared a final report dated November 29, 2021, from which it appears that an unauthorized construction was detected on plot no.1697/2521 raised by the respondent no.8 and the area of unauthorized construction was 868 sq. ft. The construction on plot no.1666 has been found to be in order by the municipal authorities.

Subsequent to the report filed by the Municipality, the respondent no.8 by a representation dated December 10, 2021 approached the Chairman, Board of Administrator, Ghatal Municipality alleging that no new construction had been made but some repairing work of the dilapidated structures on plot no.1697/2521 had been undertaken. The Municipality had again made an inspection and found that new construction has been made covering 214.5 sq. ft. and

the area as mentioned in the previous report with regard to the unauthorized construction was not correct. However, these are all preliminary reports which were directed to be filed by the Court for a prima facie satisfaction about the correctness of the statement of the petitioner. These report shall not be taken as the final inspection report.

As there is a prima facie finding by the Ghatal Municipality of alleged unauthorized construction on plot no.697/2521, the authorities of the Municipality are directed to initiate proceeding in accordance with law and reach the same to its logical conclusion by adhering to the following;

- a) An inspection shall be conducted in the presence of the parties, with 48 hours advance notice to the parties. If the parties are not available to accept notice the same shall be affixed at conspicuous places in their respective premises.
- b) Such report shall be handed over to the parties.
- c) A hearing shall be given to the petitioner and the respondents. 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.
- d) 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 conclusion in terms of the statute.

The court has not gone into the merits of the claims and counter-claims of the parties and the issues shall be decided independently.

The entire exercise shall be completed within a period of eight weeks 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 server copy of this order.

(Shampa Sarkar, J.)