

27th April,
2022
(AK)
06

W.P.A 14264 of 2021

Kartik Salui and others
Vs.
The Asansol Municipal Corporation and others

Mr. Rudra Prasad Mondal
...for the petitioners.

Mr. Sounak Bhattacharya
...for the AMC.

Affidavit-of-service filed in court today be kept on record.

None appears for the respondents despite service.

Learned counsel for the petitioners contends that, despite having given representations to the Commissioner, Asansol Municipal Corporation, the Commissioner has not taken any steps for removal of the unauthorized and illegal projections made on a common passage by the private respondent nos.7 and 8.

Learned counsel places reliance on Sections 247 and 287 of the West Bengal Municipal Corporation act, 2006 to lay stress upon the proposition that it is for the Commissioner to look into such matters.

Since no satisfactory explanation comes from the respondents as they choose not to appear despite service, WPA 14264 of 2021 is disposed of by directing respondent no.1, that is, the Asansol Municipal Corporation, represented by the Commissioner, AMC to

hold an enquiry in terms of Section 287 of the West Bengal Municipal Corporation act, 2006 on the basis of the complaint/representation of the petitioners annexed at page-54 of the present writ petition as regards the alleged unauthorized constructions made by the private respondents.

Such enquiry shall proceed in accordance with law and upon giving appropriate opportunity of representation/hearing to all concerned.

The outer limit for completion of such enquiry shall be three weeks from the date of communication of this order to respondent no.1.

Immediately after completion of such enquiry, in the event it is found on the enquiry that unauthorized constructions have been erected on the property-in-question, the respondent no.1 shall takes adequate steps, in accordance with law pursuant to Section 247 of the West Bengal Municipal Corporation Act, 2006, to remove or alter the obstructions/encroachment or projection which has been constructed in an unauthorised manner.

The learned advocate for the petitioners shall communicate the gist of this order, along with a server copy of the same, to the respondent no.1 for the purpose of implementation of the order.

The parties as well as all concerned shall act on the written communication of the learned Advocates for the parties, coupled with server copy of this order, without

insisting upon prior production of a certified copy thereof, for the purpose of compliance of the direction given herein.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)