

Item No. 17

12.12.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 12904 of 2019
Sanwar Chopder

v.

The State of West Bengal & Ors.

Mr. Salil Kumar Maity
Ms. Jayatri Basu Roy
... for the petitioner.

Mr. Gopal Chandra Das
... for the Municipality.

Mr. Rudranil De
... for the respondent no. 12.

As per direction passed by the Court the Municipality conducted an inspection to ascertain the allegation of unauthorized construction raised by the petitioner.

Report of the spot inspection has been placed before this Court. Copy of the same has been handed over to the learned advocate appearing on behalf of the petitioner and the private respondent.

The report mentions that the site was physically inspected and it was found that the private respondent constructed a cantilever at the first floor level without taking any sanction from the Municipality. This cantilever portion is at the west side of this building over the tile shed of the building of the petitioner. The disputed part of the building is situated over the vested land.

As it appears from the report that unauthorized construction has indeed been detected, accordingly the Municipality is directed to take steps to deal with such unauthorized construction in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties and pass necessary order and communicate the same to the parties.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

Report filed by the Sub-Assistant Engineer, Tamralipta Municipality dated December 2, 2022 is taken on record.

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.)