

Sl. No.47
16.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 16903 of 2021

Monilal Jaiswal
versus
The State of West Bengal & Ors.

Mr. Arindam Chatterjee
Ms. Lipika Chatterjee

... for the petitioner

Mr. Sandipan Banerjee
Ms. Sobhan Majumder
Mr. Ankit Sureka

... for the Howrah Municipal Corporation

The petitioner alleges illegal and unauthorised construction at the instance of the respondent no.8 over premises No.96/3, Panchanantala Road, Police Station Bally, District-Howrah.

The petitioner filed objection before the Howrah Municipal Corporation on 19th August, 2021 and alleges that the same has not been taken up for consideration till date.

It appears from the submission made on behalf of the parties that at present the aforesaid premises where the alleged unauthorised construction is being made falls under the jurisdiction of Bally Municipality. The petitioner did not file any representation before the Bally Municipality till date.

In view of the above, the instant writ petition is disposed of by granting leave to the petitioner to file appropriate application before the Bally Municipality highlighting his grievances.

In the event, such a representation is filed before the Bally Municipality, the same shall be taken into consideration by the Bally Municipality strictly in accordance with law, after giving reasonable opportunity of hearing to all the parties within a period of twelve weeks from the date of filing the representation.

The Bally Municipality shall conduct a site inspection upon giving notice to all the necessary parties prior to taking any decision in the matter.

A reasoned order shall be passed by the Municipality and intimated to the parties immediately thereafter.

In the event, the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation to the aforesaid respondent at the time of communicating the order of the Court.

Leave granted to the learned Advocate on Record to implead Bally Municipality as party respondent.

Copy of the writ petition has already been served upon Mr. Ayan Banerjee, learned advocate who usually represents Bally Municipality before this Court.

Affidavit of service filed in Court is taken on records.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)