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26.08.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 16771 of 2022

**Jayanta Kumar Seth
-versus
The State of West Bengal & Ors.**

**Mr. Saptanshu Basu,
Ms. Sanghamitra Nandi,
Mr. Dwarika Nath Mukherjee.
...For the Petitioner.**

**Mr. Suman Basu.
...For the Municipality.**

**Mr. Prosenjit Mukherjee,
Mr. Arghyakamal Das,
Mr. Subhojyoti Das.
...For Respondent No.6.**

The petitioner complains that the private respondent No.6 has made construction of the septic tank in such a manner that it is lying extremely close to the boundary wall of the petitioner.

The petitioner apprehends that the discharge from the septic tank may cause pollution and contamination to the drinking water connection which is just beside the boundary wall of the petitioner.

The petitioner has lodged complaint before the Chandannagar Municipal Corporation in January 2022 followed by a reminder in June 2022 and alleges that the same have not been taken up for consideration till date.

Learned advocate appearing for the respondent No.6 submits, upon instructions, that the construction is being made in accordance with the plan sanctioned by the Corporation.

Learned advocate appearing for the Chandannagar Municipal Corporation has produced a copy of the note sheet showing the sketch map of the two adjacent premises with the septic tank.

It appears that the septic tank has been constructed quite close to the boundary wall of the two premises. The distance between the septic tank and the boundary wall is not mentioned in the sketch map.

It is also not very clear that the said inspection was conducted upon giving notice to the parties.

In view of the above, the instant writ petition is disposed of by directing the competent authority of the Chandannagar Municipal Corporation to conduct fresh spot inspection after giving notice to both the parties and thereafter take a decision with regard to the complaint lodged by the petitioner.

In the event it appears that there is any unauthorized construction at the instance of the respondent No.6, the Corporation shall take necessary steps to deal with the same in accordance with law.

The Corporation shall take steps in the matter at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

Leave is granted to the learned advocate-on-record of the petitioner to implead the Commissioner of the Chandannagar Municipal Corporation as party respondent in the instant writ petition.

Formal service of a copy of the writ petition upon the Commissioner of the Chandannagar Municipal Corporation stands dispensed with as the learned advocate has already entered appearance on behalf of the Chandannagar Municipal Corporation.

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.

(Amrita Sinha, J.)