

04.01.2022
Court No. 19
Item no.29
CP

WPA 17448 of 2021

Sri Niranjan Pal
Vs.
The Chairperson, Board of Administrators,
Uttarpara Kotrung Municipality & ors.

Mr. Kaushik Chandra Gupta
.....for the petitioner.

Mr. Naren Ghosh Dostider
Mr. Bipin Ghosh
....for the State respondents.

Mr. Siddharta Banerjee
....for the Municipality.

This court does not think it necessary to keep the writ petition pending in view of the fact that the municipal authorities have already initiated proceedings under Section 218 of the West Bengal Municipal Act, 1993 in respect of the alleged unauthorized construction being carried on by the respondent no. 4 at Premises No. 32/2, Pan Para Lane, Hooghly. Accordingly the writ petition is disposed of with the following directions:

- a) An inspection of the site shall be made.
Such inspection shall be held in the presence of the parties, with 48 hours advance notice to the petitioner and the respondent No. 4.

- b) The report of the inspection shall be prepared along with the sketch map indicating the extent of deviation, if any.
- c) Such report shall be handed over to the petitioner as also the respondent no. 4
- d) A hearing shall be given to the petitioner and the respondent No. 4. The parties must also be allowed to furnish their written objection/version to the said report and make oral and documentary submissions as also adduce evidence in support of their contentions before the competent authority.
- e) 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 merit of the claims and counter-claims of the parties and the issues shall be decided independently by the Uttara Para Kotrung Municipality.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)