

16.11.2022
Item No.21
Crt.No.24
b.r.

W.P.A 17894 of 2022

Sk. Jahangir Ali
-vs-
The State of West Bengal & Ors.

Mr. Gautam Banerjee
.... for the petitioner.

Mr. Naba Kumar Das
Mr. Subhabrata Das
..... for the State.

Mr. Sudhadev Adak
.... for the Arambagh Municipality.

Affidavit of Service filed in Court today be taken on record.

The petitioner alleges unauthorised construction at the instance of the respondent nos. 6, 7, 8 and 9.

A complaint was filed before the Municipality highlighting the illegalities committed by the private respondents. The complaint was duly considered upon hearing the parties.

The Councilor of Arambagh Municipality on 9th October, 2021 intimated the private respondent no. 6 that for reasons mentioned in the said letter the plan sanctioned in his favour stood cancelled.

The petitioner contends that despite cancellation of the building plan, the private respondents are merrily carrying on with the construction work.

A payer has been made before this Court to direct the Municipality to take steps for demolition of the unauthorised construction.

Learned advocate representing the private respondents denies the allegation of the petitioner.

Learned advocate representing the Municipality submits that decision to cancel the plan has already been taken and communicated to the parties on October 20, 2021. The Municipality will certainly take steps for demolition of the unauthorised construction.

From the submissions made on behalf of the parties and on perusal of the documents annexed to the writ petition, it appears that the Municipality has already taken a decision to cancel the building plan sanctioned in favour of the private respondents.

The said decision was taken way back on 9th October, 2021. Since thereafter, the Municipality has not taken any steps to deal with the construction allegedly made in accordance with the plan, which subsequently stood cancelled.

In view of the above, the Arambagh Municipality is directed to take necessary steps in accordance with law to deal with the construction which has been made on the basis of the plan, which has been cancelled subsequently.

A decision shall be taken in the matter after giving reasonable opportunity of hearing to all the parties within a period of twelve weeks from the date of communication of a copy of this order and the reasoned order shall be communicated to the parties immediately thereafter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all necessary formalities.

(Amrita Sinha,J.)