

Sl. No.1
05.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 18964 of 2021

Sk. Abul Kalam
vs.
The State of West Bengal & Ors.

Mr. Asish Chandra Bagh
Ms. M. Maity
... for the petitioner
Mr. S. M. Hassan
Mr. Anupama Yasmin
Mr. Saikat Mandal
... for the Haldia Municipality
Mr. Arun Kumar Roy
Mr. Tarun Sur
... for the State

Learned advocate for the petitioner alleges illegal and unauthorized construction at the instance of the respondent no.9, Sk. Alauddin over the plot No.891. The petitioner and the respondent no.9 are co-owners of the said plot of land. A suit for partition is pending in between the parties.

The petitioner alleges that the respondent no.9 was raising new construction over the said plot of land without obtaining necessary sanction from the Haldia Municipality.

Learned advocate representing the respondent no.9 submits, upon instruction that, the construction over the said plot of land is an old one and no new

construction was being made at the instance of the respondent no.9.

As the respondent no.9 has submitted in Court that no new construction is being made at his instance, accordingly, Haldia Municipality is directed to ensure that no construction is made over the plot No.891 at the instance of the respondent no.9.

If any construction has been made over the said plot of land without obtaining any plan or in deviation of the plan sanctioned by the Municipality, necessary step shall be taken by the Municipality to deal with the same in accordance with law.

Instruction given by the Executive Officer, Haldia Municipality dated 23rd August, 2022 be retained with the 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.)