

S/L 15
11.5.2022
Court. No. 19
sn

WPA 19532 of 2021

Mrinmoy Sau

Vs.

The State of West Bengal & Ors.

Mr. Satyam Mukherjee

... for the Petitioner.

Mr. L.M. Mahata

Mr. P.B. Mahata

... for the State.

Mr. Arnab Roy

Ms. Sayani Ahmed

... for the respondent no.6

Mr. Supriya Roy Chowdhury

Mr. Sankar Ghosh

..for the respondent no.2

Affidavit-of-service filed in Court today be kept with the record.

The petitioner has alleged violation of the rules and the building plan by the respondent no.6 while raising a construction on premises no. 53/B, Swami Vivekananda Road, Barasat, North 24 Parganas.

It is submitted by Mr.Roy, learned advocate for the respondent no.6, that the municipality had already issued a stop work notice and the respondent no. 6 is abiding by such notice.

Learned advocate for the municipality hands over a copy of the stop work notice dated December 14, 2021.

As the municipality has already taken steps pursuant to the complaint lodged by the petitioner, no purpose will be served in keeping the writ petition pending. The competent authority of the Barasat municipally is directed to act and proceed in accordance with law and reach the proceeding to its logical conclusion by adopting the following procedure:

a) An inspection of the premises shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondent no.6 and all other interested parties. Advance notice of the inspection shall be served upon all the parties. If the parties are not available to accept notice, the authorities shall affix the notices of hearing and inspection at conspicuous places in their respective premises.

b) In case, it is found on preliminary inspection that there may be reasons to believe that the construction was without permission and was continuing, the authorities may take such interim measures by stopping such construction.

c) The report of such inspection shall be prepared along with the sketch map, indicating the extent and nature of unauthorized construction, if any.

d) Such report shall be handed over to the parties.

e) A hearing shall be given to the petitioner and the respondent no.6. The parties must also be allowed to furnish their written objection/version to the said report and adduce oral and documentary evidence in support of their contentions, before the competent authority. All documents relied upon by the respective parties shall be exchanged.

f) 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 question of title, boundary dispute etc. shall not be decided by the authority.

The court has not gone into the merits of the claims and counter-claims of the parties and the issues involved shall be decided independently.

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

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of server copy of this order and/or the learned advocate's communication.

(Shampa Sarkar, J.)