

Item No. 9

20.09.2022

Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 18999 of 2022

Syed Shamsul Arefin

v.

State of West Bengal & Ors.

Mr. Syed Shamsul Arefin

... petitioner in person.

Mr. Subhasis Bandopadhyay

... for the Municipality.

Mr. Lutful Haque

Mr. G.K.Chowdhury

... for the private respondent.

A report has been filed by the learned advocate representing the Burdwan Municipality.

The report mentions that the earlier report which was filed was erroneous and the said error was unintentional. The error was detected only after scrutinizing the records as per the order passed by the Court on September 5, 2022. The report further mentions that a sketch map was provided to the private respondent for the proposed construction.

The officers of the Municipality visited the site and found no encroachment on the petitioner's side.

According to the deed of the private respondent, she has got 372 sq.ft. of land but the construction was found about 405 sq.ft. The construction was made upto

the lintel level following the sketch map for which no further allotment i.e. the second instalment was released in favour of the beneficiary for making extra construction and all the construction work has stopped.

Learned advocate representing the private respondent disputes the aforesaid contention. It has been submitted that the construction has been made on the basis of the sketch map sanctioned by the Burdwan Municipality.

The Burdwan Municipality is directed to take steps in accordance with law to deal with any violation that has been made at the time of making construction at the instance of the private respondent.

Prior notice of hearing shall be given to both the parties before passing a final order in the matter.

The complaint of the petitioner shall be disposed of positively within a period of twelve weeks from the date of communication of a copy of this order.

The Municipality shall take steps to deal with the unauthorized construction in accordance with law.

The writ petition stands disposed of.

Report filed by the Chairman, Burdwan Municipality dated September 14, 2022 and the site plan relying upon which the private respondent is making construction be retained with the record.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)