

25
16.11.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 19136 of 2022

**Dipankar Naskar & Ors.
-versus
The Bidhannagar Municipal Corporation &
Ors.**

**Mr. R.N. Chakraborty,
Mr. M. Ahmed.
...For the Petitioners.**

**Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Tirthankar Dey.
...For BMC.**

Affidavit-of-service filed in Court today is taken on record.

The petitioners complain of illegal and unauthorized construction at the instance of the respondent No.5.

The writ petition, which was sought to be served upon the respondent No. 5, has returned unserved with the postal endorsement “insufficient address, returned to sender”.

The petitioners complain that objection filed against the unauthorized construction is yet to be taken up for consideration by the Bidhannagar Municipal Corporation.

Learned advocate appearing for the Bidhannagar Municipal Corporation has produced a copy of the letter dated 31st August, 2022 addressed to the private respondent to show cause in support of the construction made at the subject premises.

The letter mentions that the private respondent is to justify the construction in the said plot with supporting documents. Till such time to the private respondent has been instructed not to carry out any kind of construction work in the said plot.

It appears from the aforesaid notice to show cause served by the Executive Engineer of the Bidhannagar Municipal Corporation that the authority has already taken steps in response to the complaint lodged by the petitioners.

In view of the above, the instant writ petition is disposed of by directing the Bidhannagar Municipal Corporation to take necessary steps to deal with the objection filed by the petitioners in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

A reasonable opportunity of hearing be given to the parties prior to passing a final order in the matter. A reasoned order shall be passed by the Corporation and the same shall be communicated to the parties immediately thereafter.

In the event it transpires that any unauthorized construction has been made, then steps shall be taken to deal with the same in accordance with law. The Bidhannagar Municipal Corporation shall ensure that

no unauthorized construction is carried out at the subject premises.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)