

Item No. 37

30.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 19531 of 2022

Asok Roy Chowdhury & Ors.
-vs.-
The State of West Bengal & Ors.

Mr. Sarwar Jahan
Mr. S. Haldar
Mr. Maidul Islam Kayal
Mr. Sumit Naskar
...For the Petitioners.

Mr. Rajshri Basu
Sk. Md. Masud
... for the State.

Mr. Rabindra Nath Dutta
Mr. A. Mukherjee
...For the Municipality.

Mr. Saloni Bhattacharyya
Ms. A. Khatun
... for the respondent nos. 14 & 18.

None appears on behalf of the private respondent despite service.

The respondent nos. 16 and 18 are represented.

The petitioners refer to the inspection report of the Municipality dated June 10, 2022 which was conducted pursuant to the order passed by this Court on March 3, 2022 in WPA 1009 of 2022. The inspection report of the Municipality mentions that plan was sanctioned for construction of G+3 storied building.

The person responsible constructed the fourth floor and a community hall at the roof without taking any permission from the Municipality.

The learned advocate for the petitioner submits that the Municipality afforded several opportunities of hearing to the

parties but the Municipality is yet to pass a final order in the matter.

Learned advocate for the Municipality is yet to receive proper instruction from his client.

The Court on the earlier occasion directed the Municipality to complete the entire exercise within four months from the date of communication of a copy of this order. The said time period has long expired.

It is high time that the Municipality concluded the proceeding in accordance with law by passing a reasoned order and communicate the same to the parties. The Municipality shall ensure that the reasoned order is passed and communicated by November 30, 2022.

In the meantime, the Municipality shall ensure that no construction is carried on at the said premises.

The Officer-in-Charge, Khardah Police Station is directed to keep strict vigil over the premises to ensure that no construction is being made thereon without proper permission from the Panihati Municipality.

The developers/promoters/owners are restrained from creating any third party interest in respect of the portions of the structure that has been constructed without a proper sanctioned plan.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)