

18.5 2022
Court No. 19
Item no.12
sn

WPA 21178 of 2021

Somesh Bhadra

Vs.

The Board of Administration, Maheshtala
Municipality & Ors.

Mr. Nitai Chandra Saha ...for the petitioner

Mr. Raghunath Chakraborty
..for the municipality

Ms. Jeenia Rudra

Mr. Debasish Mukhopadhyay
..for the respondent no.5

The petitioner's contentions as pleaded in the writ petition with regard to the alleged unauthorised construction by the respondent nos.5 to 11 on Dag no. 966/2175 pertaining to L.R. Khatian no. 1755,1756 and 343 are not substantiated. The complaint which the petitioner has filed before the municipality, does not disclose the exact nature and extent of unauthorized construction. Thus, the allegation against the municipality of not taking any action against the alleged unauthorised construction is neither pleaded nor proved. This Court does not find any illegality in the action of the municipality.

The intimation dated December 16, 2021 issued by the petitioner to the municipality does not speak of any complaint against the alleged unauthorised construction. The letter is with regard to the intimation about the civil suit, the order of

injunction and proceedings under Section 144 of the Code of Criminal Procedure. Thus, the writ petition is disposed of without any order.

Disposal of the writ petition shall not prevent the petitioner from raising appropriate complaint before the appropriate forum with specific instances of unauthorised construction.. If such complaint is made as per the liberty granted by this Court, the same shall be considered and disposed of by the competent authority upon compliance of principles of natural justice. Vague and omnibus allegations shall not be considered.

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 the server copy of this order and/or learned advocate's communication.

(Shampa Sarkar, J.)