

M/List dt.5.12.22
Item No. 10
05.12.2022
c.m.

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

W.P.A. 21351 of 2022

**Debabrata Das
-versus
The State of West Bengal & Ors.**

**Mr. Lakshmi Nath Bhattacharya
...For the Petitioner.**

**Mr. Habibur Rahaman
...For Respondent No.6/Municipality**

**Mr. Sounak Bhattacharyya
Mr. Chandra Nath Sarkar
.... For the Private respondent No.10**

**Mr. Rama Prasad Sarkar
Ms. Debarati Sen Bose.
.... For the State.**

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

The petitioner complains of illegal and unauthorized construction over an undivided plot of land of which the parties are co-shearers.

According to the petitioner and the private respondents are making construction thereon without obtaining any plan sanctioned from the municipality.

The petitioner complains that his objection to the said construction is pending consideration till date.

Learned advocate representing the private respondents at whose instance the construction is coming up submits that construction is being made in accordance with the 'house for all' scheme.

The private respondents are getting financial benefit for construction of the said house and the same

is being constructed in accordance with the scheme that has been approved by the municipality.

Learned advocate representing the municipality submits before this Court that a hearing was fixed on 31st August, 2022 for hearing both the parties to resolve the matter.

On a stipulated date, the Vice-Chairman with his companions visited the site in presence of both parties and a decision was taken to call for fresh hearing to resolve the issue. In the meantime, the petitioner filed the present writ petition.

Learned advocate for the municipality submits that a hearing shall be afforded to both the parties.

It appears from the submissions made on behalf of all the parties that the municipality has taken steps to resolve the dispute amicably in between the parties.

The parties are directed to cooperate with the municipality to arrive at a solution in the matter.

The municipality upon hearing the parties shall consider the matter and pass a reasoned order within six weeks from the date of communication of the order. The reasoned order shall be duly communicated to the parties.

In the event, the parties fail to arrive at an amicable solution, it will be open for either of the parties to approach the appropriate civil forum for redressal of their disputes.

Writ petition stands disposed of.

Instruction given by the municipality is taken on record.

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

(Amrita Sinha, J.)