

21.11.2022
13
AN/Ct. No.24

WPA 21484 of 2022

**Sirajul Molla
versus
The State of West Bengal & ors.**

Mr. Md. Shamim Halder
Mr. Abdul Aziz Mondal
... for the petitioner

Mr. Jayanta Narayan Mahanty
... for Maheshtala Municipality

Mr. Habibur Rahaman
... for respondent no. 7

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
... for the State

The petitioner alleges illegal and unauthorized construction at the instance of the respondent no. 7. It appears after service of a copy of the writ petition upon Maheshtala Municipality, the Chairman of the Municipality intimated the parties that a site inspection will be conducted on 25.11.2022 to enquire whether any unauthorized building construction is going on at the site as alleged.

Learned counsel representing the private respondents submits that the present writ petition is a counter blast of the writ petition filed by the private respondents alleging unauthorized construction at the instance of the present writ petitioner.

It has been submitted that the construction of the private respondent was made thirty five years back by his father.

It appears from the submissions made on behalf of the parties that the Municipality has acted in response to the complaint lodged by the petitioner and fixed a date for inspection of the site to ascertain whether any unauthorized construction is going on as alleged.

The Municipality is directed to take steps in accordance with law to deal with any unauthorized construction, in the event the same is detected after the spot inspection is held.

Step shall be taken in the matter after giving a reasonable opportunity of hearing to all the parties. The proceeding shall be concluded by the Municipality at the earliest by passing a reasoned order and communicate the same to the parties.

Accordingly, the instant writ petition stands disposed of.

The notice of site inspection dated 16.11.2022 signed by the Chairman, Maheshtala Municipality be retained with the record. The report filed by the Officer-in-Charge, Rabindranagar Police Station be also retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)