

21.11.2022
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AN/Ct. No.24

WPA 21571 of 2022

**Sk. Noor Hossain
versus
Maheshtala Municipality & Ors.**

Mr. Indrajit Bhattacharjee
Mr. Koushik Tikadar

... for the petitioner

Mr. Raghunath Chakraborty

... for Maheshtala Municipality

Mr. Sk. Abu Musa
Mr. Sirajul Haque Mondal

... for respondent no. 5

The petitioner alleges illegal and unauthorized construction at the instance of the respondent no. 5. It has been submitted that construction is being made without obtaining the sanctioned plan in a manner by blocking the ingress and egress to the petitioner's premises. The petitioner complains that the representation filed on 30.06.2022 objecting to the unauthorized construction is yet to be disposed of by the Maheshtala Municipality.

It is further been submitted that after service of a copy of the writ petition upon the Municipality, an inspection was conducted but the report of inspection has not been served.

Learned counsel representing the private respondent admits that the construction has been made without obtaining any sanctioned plan.

It appears from the submissions made on behalf of the parties that, there is a construction which has been made without obtaining sanction from the Municipality.

According to the provision of the West Bengal Municipal Act, 1993 no person shall erect or commence erection of any building except with the previous sanction of the Board of Councillors.

In the present case, the private respondent admits that construction has been made without obtaining sanctioned plan. There is hardly any scope for granting post-facto sanction to the construction made without a sanctioned plan.

In view of the above, the instant writ petition stands disposed of by directing the Municipality to take necessary steps to deal with the construction made without obtaining any sanctioned plan in accordance with law, at the earliest, positively within a period of twelve weeks from the date of communication of this order.

The report of inspection shall be forwarded to the petitioner as well as the private respondent within a week from the date of communication of this order.

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

(Amrita Sinha, J.)