

7.11.2022
Court No. 19
Item No.38
sn

WPA 22943 of 2022

Netai Maity & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Soumen Bhattacharjee

.....for the petitioners

Mr. Naba Kumar Das

Mr. Subhabrata Das

..for the State

Ms. Manjuli Chowdhury

Ms. Mekhla Sinha

..for the respdts.2-4

Mr. Tauhid Khan

..for the respdts. 8&9

The petitioners allege that the respondent nos. 8&9 have raised an unauthorised construction of a shop room over L.R. Dag No. 463 pertaining to mouza Andul without proper sanction and approval from the Howrah Zilla Parishad.

The respondent nos. 8&9 have handed over copies of the approved plan issued by the Howrah Zilla Parishad.

The petitioners allege that it is not clear from the copies whether entire 11, 000 sq.ft. of the construction had been approved by the Zilla Parishad or not.

This Court finds that the petitioners' complaint should have been more detailed and should have

contained more information. The allegations cannot be disposed of by the concerned authorities.

Under such circumstances, the petitioners are granted liberty to file a fresh complaint with details of their allegations. The material particulars on the basis of which the petitioners base their allegation of unauthorized complaint shall be mentioned in such complaint. If such complaint is filed, the District Engineer, Howrah Zilla Parishad shall dispose of the same in accordance with law upon hearing all the parties. The hearing shall be preceded by an inspection in the presence of the parties. The report of such inspection shall also be supplied to the parties. The report with a sketch map shall disclose the nature and extent of unauthorized construction, if detected.

Parties shall be allowed to furnish their written arguments/statements in support of their respective claims. A reasoned order shall be passed and communicated to all.

Needless to mention that in case of detection of unauthorised construction, steps shall be taken in accordance with law.

The entire exercise shall be completed within a period of four months from the date of receipt of the petitioners' complaint.

A reasoned order shall be passed and communicated to all.

This Court has not gone into the merits of disputes raised by the petitioners.

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of server copy of this order.

(Shampa Sarkar, J.)