

23.
22-11-2022
debajyoti
(Ct. no.24)

WPA 23094 of 2022

Kalyan Pal
Vs.
Madhyamgram Municipality & Ors.

Mr. Ranajit Chatterjee,
Mr. Aniruddha Mitra
... For the Petitioner.

Mr. Mrityunjoy Goswami,
Mr. Parikshit Goswami
... For Respondent Nos.1 to 3.

Mr. Subrato Roy
... For Respondent No.5.

Affidavit-of-Service filed in Court today be taken on record.

The petitioner alleges illegal and unauthorized construction at the instance of the respondent no.5. A legal representation allegedly objecting to such construction was filed before the Madhyamgram Municipality in July, 2022. The legal notice annexed as "P-4" to the writ petition does not bear the proof of service.

The specific allegation of the petitioner is that construction has been made without obtaining a proper sanctioned plan and without maintaining the mandatory statutory side open spaces.

The allegations of the petitioner are denied by the learned advocate representing the private respondent. It has been submitted that construction has been made in accordance with the plan sanctioned.

Learned advocate representing the Municipality submits that in the absence of a proper representation, the Municipality will not be in a position to proceed in the matter.

In view of the above, the writ petition is disposed of by granting liberty to the petitioner to make appropriate application before the Municipality. In the event such a representation is made, the same shall be considered in accordance with law after giving reasonable opportunity of hearing to both the parties within a period of twelve weeks from the date of filing the representation. If, any unauthorized construction is detected, steps shall be taken by the Municipality to deal with the same in accordance with law.

The writ petition stands disposed of.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Amrita Sinha, J.)