

List dt.6.6.22
Item No. 191
20.06.2022
d.p.

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

W.P.A. 23962 of 2019

**Sumanu Banerjee
-versus
Uttapara Kotrung Municipality & Ors.**

**Mr. Arhat Biswas.
...For the Petitioner.**

**Mr. Siddhartha Banerjee.
...For the Municipality.**

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

None appears on behalf of the private respondents in spite of service.

The petitioner alleges illegal and unauthorized construction by the private respondents in respect of the holding No. 139, G.T. Road, Uttarpara, Hooghly.

It appears from the documents annexed to the writ petition that a hearing was conducted by the Municipality upon receipt of the complaint from the petitioner.

The petitioner is not aware of the fate of the said hearing.

Learned advocate appearing for the Municipality submits, upon instructions, that necessary proceeding

under Section 218 of the West Bengal Municipal Act, 1993 has already been initiated.

As it appears from the instruction of the Municipality that steps have been taken to remove the unauthorized construction on receipt of the complaint from the petitioner, accordingly, the instant writ petition is disposed of by directing the respondent no.2 being the Chairman of Uttarpa Kotrung Municipality to take all necessary steps to remove the unauthorized construction over the aforesaid premises, strictly in accordance with law, at the earliest, within a period of twelve weeks from the date of communication of a copy of this order.

The aforesaid respondent shall afford a reasonable opportunity of hearing to the parties prior to a final decision being taken in the matter.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)