

Sl. No.280
27.06.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 9147 of 2020

Jainal Abedin Khan
Versus
The State of West Bengal & Ors.

Mr. Sandip Kundu
Mr. Rwitendra Banerjee
Mr. Devdutta Pathak

... for the petitioner
Mr. Gobinda Chandra Bandyopadhyay
... for the respondent nos.3,4 & 5/
Uluberia Municipality

The petitioner submits that the private respondent was permitted to make construction on a residential building under Pradhan Mantri Awas Yojna, but the construction has been made by the private respondent in such manner exceeding the limit which was sanctioned by the Uluberia Municipality.

A representation has been made by the petitioner praying for demolition of the unauthorised portion that has been constructed by the private respondent.

None appears on behalf of the private respondent despite service.

Learned advocate representing the Uluberia Municipality has filed a report dated 16th June, 2022 which mentions that Minarun Begam without intimation to the office constructed roof and stair

violating Rules and encroaching upon the open space within her boundary wall.

In view of such unauthorised construction she was advised to rectify the matter after breaking the same, but that has not been done till date.

As it appears that the Chairman of the Municipality has already arrived at a finding that there has been encroachment in the open space and construction has been made by the private respondent by violating the sanction plan, accordingly, Uluberia Municipality is directed to take steps for demolition of the unauthorised construction in accordance with law, at the earliest, but positively within a period of three months from the date of communication of a copy of this order.

The Uluberia Municipality shall afford an opportunity of hearing to all the parties prior to giving effect to the order of demolition.

The action taken report by the Municipality be forwarded to the parties immediately thereafter.

The report filed by the Assistant Engineer and the Chairman, Uluberia Municipality signed on 16th June, 2022 be retained with the records.

Writ petition stands disposed of.

Affidavit of service affirmed on 27th June, 2022 be retained with the records.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)