

Item No.25

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

24.03.2023  
Ct-24

WPA 152 of 2023  
Kalyan Biswas  
v.  
The Bhatpara Municipality & Ors.

Mr. Supriyo Chattopadhyay  
... for the petitioner.

Mr. Pritam Majumder  
... for the Municipality.

Ms. Swapna Paul  
... for the respondent nos. 6 & 7.

A report has been filed by the Bhatpara Municipality signed by the Municipal Civil Engineer (CLTC,SUDA), Bhatpara Municipality, Assistant Engineer, Bhatpara Municipality and the Chairperson, Bhatpara Municipality mentioning that HFA building was approved in favour of one Smt. Manju Prasad in the year 2018-19. Three instalments amounting to total Rs. 2,47,000/- have been released.

On receipt of a complaint, a hearing was conducted and it was resolved that further instalment will be stopped as there are deviations from the model PMAY/HFA plan. The matter regarding deviation of the building will be placed in the Chairman in Council/Board of Councillors meeting.

According to the petitioner, the grant could not have been allotted in favour of the private respondents.

The eligibility of the private respondents who received the grant has been questioned.

Learned advocate representing the private respondents submits that the construction has been made on the basis of the approval granted by the authority.

The Municipality is directed to grant an opportunity of hearing to all the parties and take a decision with regard to the complaint lodged by the petitioner. A decision shall be taken in accordance with law, at the earliest but positively within a period of twelve weeks from the date of communication of this order.

A reasoned order shall be passed and communicated to all the parties.

If it transpires that there has indeed been any unauthorized construction, then necessary consequential steps shall be taken to deal with the same.

It will be open for the petitioner to raise the issue of eligibility of the private respondents to receive grant before the appropriate forum, if so advised.

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.

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**(Amrita Sinha, J.)**