

20.02.2023
Court No. 19
Item No.36
CP

W.P.A. No. 1019 of 2023

Sri Sanatan Ghosh

Vs.

The State of West Bengal & Ors.

Mr. Souvik Das
Mr. Rudranil Das

...for the petitioner.

Mr. Amber Nath Banerjee
Ms. Amrita Panja Moulick

....for the respondent nos. 1 & 3.

Mr. Biswabrata Basu Mallick
Ms. Dhriti Das

....for the respondent nos. 8 & 9.

Ms. Mekhla Sinha

....for the Howrah Zilla Parishad.

The Howrah Zilla Parishad has filed a report.
The Zilla parishad had sanctioned a single storeyed
building but a G+1 storey has been constructed.
There are other irregularities in the construction.

Without going into the merits of the allegations
of the petitioner, the writ petition is disposed of with
a direction upon the Howrah Zilla Parishad to treat
the writ petition as a representation and dispose of
the same in accordance with law. While disposing of
the same, the authorities shall follow the procedure
stated hereinbelow:

- a) An inspection shall be conducted. Such
inspection shall be held in the presence of

the petitioner and the respondent nos. 8 & 9. An advance notice of the inspection shall be served upon the petitioner and the respondent nos. 8 & 9 and all other interested parties. If the parties are not available to accept notice, the same shall be affixed at a conspicuous place in the respective premises.

- b) In case, it is found on preliminary inspection that there may be reasons to believe that the construction was without permission and was continuing, the authorities may take such interim measures by stopping such construction.
- c) A report of such inspection shall be prepared along with the sketch map, indicating the extent and nature of unauthorized construction, if any.
- d) Such report shall be handed over to the parties.
- e) A hearing shall be given to the petitioner and the respondent nos. 8 & 9. The parties must also be allowed to furnish their written objection/version to the said report and adduce oral and documentary evidence in support of their contentions before the

competent authority. All points raised by either party, will be decided.

- f) A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in accordance with law.

The court has not gone into the merits of the claims.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

The issues to be decided would be whether the first floor had been constructed in accordance with any plan or permission and whether the ground floor had been constructed in deviation of the plan.

A copy of the writ petition along with a server copy of this order be served upon the concerned permission granting authority for necessary compliance of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)