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and 2023
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Ct No
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AGM

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

WPA 29064 of 2022

**Sujit Kumar Paul & Ors.
Vs
Ashoknagar Kalyangarh Municipality & Ors.**

With

WPA 2205 of 2023

**Shri Paban Dutta
Vs
Ashokenagar Kalyangarh Municipality & Ors.**

Mr. Ovik Sengupta
Mr. Sudeep Pal Chowdhury
... For the petitioner in
WPA 29064 of 2022.

Mr. Arunava Ghosh
Mr. Puspall Chakraborty
Ms. Srijita Nath
Mr. Soumyadeep Sarkar

... For the Petitioner in WPA
2205 of 2023 and for the
private respondent no. 7 in
WPA 29064 of 2022.

Mr. Rudranil De
Mr. Manoranjan Mahata
Mr. Amit Bikram Mahata
... for the Ashoknagar Kalyangarh Municipality.

Leave granted to the learned advocate on record of
Sujit Kumar Paul and Others to implead the Board of
Councillors, Ashoknagar Kalyangarh Municipality as
party respondent in the writ petition.

The formality of serving a copy of the writ petition
upon the added respondent stands dispensed with as
learned advocate has already entered appearance on

behalf of the Chairman of the Municipality.

Sujit Kumar Paul & Ors filed the aforesaid writ petition seeking direction upon the Municipality to take steps against the alleged unauthorised construction made at the instance of Paban Dutta.

Paban Dutta filed the later writ petition seeking for a direction upon the Municipality to permit him to continue with the construction work in accordance with the plan sanctioned by the Municipality.

A stop work was issued by the Municipality directing Paban Dutta to stop construction work as the same was being made in deviation of the plan sanctioned.

It appears that the Municipality afforded opportunity of hearing to all the necessary parties on 29th October, 2022. The Municipality resolved and directed Paban Dutta to demolish the unauthorised cantilever that was constructed by him.

Learned advocate representing the Municipality has placed on record a communication made by Paban Dutta to the Chairman of the Municipality signed on 27th March, 2023 mentioning that he will demolish the cantilever constructed unauthorisedly as early as possible.

Learned advocate for Sujit Kumar Paul is not aware as to whether the cantilever was demolished as per the undertaking given by Paban Dutta.

Learned advocate representing the Municipality submits, upon instruction that, a part of the cantilever has been demolished.

To ascertain as to whether the unauthorised construction made by Paban Dutta has been demolished or not, it will be proper to direct the Municipality to cause a spot inspection upon giving prior notice to all necessary parties. The inspection report shall be circulated amongst all the parties.

If it transpires that the unauthorised construction has been demolished, then the Municipality shall consider permitting Paban Dutta to continue with the construction work in accordance with the plan sanctioned.

In the event, it appears that the unauthorised portion is yet to be demolished, then necessary steps shall be taken by the Municipality to deal with such unauthorised construction in accordance with law.

Efforts shall be taken by the municipality to resolve the issue at the earliest but positively within a period of eight weeks from the date of communication of this order.

Both the writ petitions stand disposed of.

Affidavit-of-service filed by the petitioner be taken with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously

on compliance of usual legal formalities.

(*Amrita Sinha, J.*)