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12.09.2023
d.p.

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

W.P.A. 2506 of 2023

**Sumanta Mukherjee & Anr.
-versus
The Bally Municipality & Ors.**

**Mr. Ovik Sengupta,
Mr. Ashis Kumar Dutta.
...For the Petitioners.**

**Ms. Sangeeta Roy.
...For the State.**

**Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh.
...For the Bally Municipality.**

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

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

Leave is granted to the learned advocate-on-record of the petitioners to correct the description of the respondent no.7 in the cause title of the writ petition. The correct respondent will be Officer-in-Charge, Bally Police Station.

The petitioners complain of illegal and unauthorized construction at premises no. 17, Dharmatala Road (South), P.S.-Bally, P.O.-Belurmath,

District-Howrah within the jurisdiction of Bally Municipality.

Allegation is that a G+6 storied structure is being constructed without obtaining any sanction.

Learned advocate appearing for the Bally Municipality submits that sanction has been granted for construction of G+4 storied building. The person responsible constructed two additional floors. On detection of such unauthorized construction, stop work notice has been issued.

As it appears that the Municipality has already detected unauthorized construction, accordingly, the Municipality is directed to take steps to deal with such unauthorized construction in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties.

A reasoned order shall be passed and communicated to the parties. Steps shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The owner and the person(s) responsible for making construction is restrained from creating any third party right in the subject structure and the Officer-in-Charge, Bally Police Station is directed to ensure that construction in any manner whatsoever does not take place at the subject premises.

Learned advocate appearing for the petitioners is directed to communicate this order to the Bally

Municipality along with photograph and the representation dated 9th December, 2022.

The writ petition is being disposed of even though none represents the private respondent, as it appears that the order passed herein will not be prejudicial to the interest of the private respondent.

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.)