

228 04.04.2023
 RP Ct. No. 01
 AN

WPA 2901 of 2020

Sachindra Nath Coomar
 Vs.
 State of West Bengal & Ors.

Mr. Shamim ul Bari
 Mr. K.M. Hossain
 Ms. Keya Sutradhar

.... For Petitioner

Mr. Apurba Kumar Ghosh
 Mr. Rudranil Ghosh

... For respondents no.8,9,10,11 and 12

Mr. Ayan Banerjee
 Ms. Debashree Dhamali

... For Bally Municipality

Mr. Ashish Kumar Mukherjee
 Mr. S. Dasgupta
 Mr. S. Prasad

... for respondent no.13

Mr. Anirban Ray, Ld. GP
 Mr. T.M. Siddiqui
 Mr. Debasish Ghosh
 Mr. Nilotpal Chatterjee

... For State

1. The petitioner seeks for appropriate action to be taken against the private respondents on the alleged ground that they have put up illegal construction. The private respondents have filed affidavit denying the allegations made by the petitioner in toto. Since the disputed questions of facts are involved in the matter, the authority concerned, namely, the Commissioner of Bally Municipality, is required to take appropriate action on the petitioner's representation.

2. In the light of the above, there will be a direction on the Commissioner of Bally Municipality to issue notice to the private respondents calling upon them to produce documents to show as to how construction has put

up by them in accordance with law and as to how they are in possession of the property in question. On issuance of such notice the private respondent shall appear before the Commissioner with necessary documents. Thereafter, an enquiry shall be conducted and the writ petitioner shall also be issued notice to present during enquiry and if any illegal construction is found the concerned Commissioner shall take appropriate action in accordance with law. The Commissioner shall also take into account the allegations made by the petitioner with regard to filling up water body illegally. This direction shall be complied with within a period of eight weeks from receipt of the server copy of this order.

3. With the aforesaid direction, this writ petition stands **disposed of**, however, without no order of cost.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)