

Item No.9

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

17.04.2023
Ct-24

WPA 4098 of 2023
Kamal Qureshi
v.
The State of West Bengal & Ors.

Mr. Maidul Islam Kayal
... for the petitioner.

Mr. Uddipan Banerjee
... for the respondent nos. 10, 11 & 12.

Mr. Debasish Ghosh
Mr. Debapriya Chatterjee
... for the State.

Mr. R. N. Chakraborty
Mr. N. Ahmed
... for the Municipality.

The petitioner complains that the order passed by this Court in WPA 10197 of 2020 directing the Maheshtala Municipality to take steps against the unauthorized construction made at the instance of the private respondents has not been implemented. On the contrary, the Municipality has passed order on October 14, 2022 directing the private respondents to take proper measures for disposal of offal, blood and other wastes of slaughtered cows and must not store in the area or throw the wastes in the public drain or road.

The Municipality directed the private respondents not to take up construction of the building work without obtaining appropriate permission from the Municipality and not to grab others landed property.

The petitioner alleges that there is no finding of the Municipality with regard to the unauthorized construction as alleged by the petitioner.

Learned advocate representing the private respondents submits that there is no pucca construction raised at the instance of the private respondents. Only tin shaded structures are in existence for nearly forty years. The private respondents are not the owners of the subject property and the private respondents are not responsible for raising such construction.

Maheshtala Municipality has forwarded an instruction wherefrom it appears that a field enquiry was conducted in February 2022 and it was found that there were temporary structures with tin/tile roof in the subject area. There was no sign of pucca construction.

The petitioner has annexed photographs of the alleged unauthorized construction. It appears therefrom that the structures are tin shed temporary structures. No unauthorized construction is noticed.

The allegation of the petitioner regarding unauthorized construction remains unsubstantiated.

Accordingly, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Instruction given by the Municipality be retained with the records.

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.)