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01.05.2023
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 4534 of 2023

**Debajyoti Sanyal
-versus
The State of West Bengal & Ors.**

**Ms. Santi Das.
...For the Petitioner.**

**Mr. Arijit Dey.
...For the Municipality.**

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

On perusal of the report filed by the Municipality the allegation made by the petitioner of illegal and unauthorized construction at the instance of the private respondents appears to be true.

Learned advocate appearing for the Baranagar Municipality has submitted a report before this Court signed on 14th March, 2023 by the Sub-Assistant Engineer of the Municipality mentioning that plan was sanctioned for construction of a G+3 storied building in the year 2021.

Inspection revealed that the developer/owners intend to construct a five storied building and has already casted 4th floor slab but brick work and finishing work is pending.

As it appears that the Municipality has already detected unauthorized construction, accordingly, the respondent no. 5 being the Board of Councilors is directed to take prompt necessary steps to deal with such unauthorized construction in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

The Officer-in-Charge, Baranagar Police Station is directed to ensure that construction in any manner whatsoever is not carried on at the subject premises till the matter is finally decided by the Baranagar Municipality.

The Baranagar Municipality shall immediately communicate the police, if any further unauthorized construction is detected.

The writ petition accordingly, 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.)