

22
17.04.2023
d.p.

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

W.P.A 4913 of 2023

**Sunil Halder & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Upendra Roy,
Mr. Amitava Raha.
...For the Petitioners.**

**Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata.
...For the State.**

**Mr. Dhananjay Banerjee,
Mr. Surajit Basu,
Ms. Barnali Mukherjee.
...For the Respondent No. 7.**

**Mr. Mrityunjoy Goswami,
Mr. Parikshit Goswami.
...For the Respondent
Nos. 2 to 4.**

The petitioner complains of illegal and unauthorized construction at the instance of the private respondent.

It appears that despite repeated notices issued to the private respondent to stop the unauthorized construction, the private respondent is continuing with the construction work.

The Municipality by a communication dated 14th December, 2022 intimated the Officer-in-Charge, Madhyamgram Police Station to look into the matter so

that the unauthorized construction at the instance of the private respondent may be stopped immediately.

Learned advocate appearing for the private respondent submits that no new construction is being made at present and construction in question was made long ago in accordance with the plan sanctioned by the Municipality.

The parties submit that a civil suit is pending consideration in respect of the selfsame plot of land by and between the parties.

At it appears that the Municipality has already taken steps to ensure that the unauthorized construction is stopped immediately and the private respondent contends that no construction is being raised at present and the construction in question is an old one, accordingly, the Municipality is directed to consider the complaint of the petitioner in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties and pass a reasoned order.

The Municipality is restrained from entering into or deciding any civil dispute in between the parties. Consideration will be restricted only to the allegation of unauthorized construction.

A formal order shall be passed and communicated to the parties.

All efforts shall be taken to ensure that the complaint of the petitioner is decided at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

All the parties are directed to render necessary cooperation to the Municipality and participate in the hearing to be taken by the Municipality.

The concerned Officer-in-Charge shall take steps to act in accordance with the request made by the Municipality.

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.)