

Item No.180(ML)

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

26.04.2023  
Ct-24

WPA 5184 of 2022  
Biplab Biswas

v.

Kharagpur Municipality & Ors.

Mr. Sanjay Mukherjee  
Mr. Arghadip Das  
... for the petitioner.

Mr. Sudeep Sanyal  
Ms. Lopamudra Moitra  
Mr. Chandrachur Lahiri  
... for the respondent nos. 4 to 8.

In compliance of the direction passed by the Court in the earlier writ petition filed by the petitioner on March 29, 2019 in WP No. 3920(W) of 2019, the Municipality issued a notice of hearing to the parties in September 2019.

The petitioner alleges that hearing was conducted on two occasions but the Municipality failed to conclude the same till date. Final order has not been passed and the unauthorized construction complained of is standing till date.

Reference has been made to a stop work notice dated February 23, 2022 directing the private respondents to stop construction forthwith and to show cause why necessary action will not be taken against them in accordance with law.

None appears on behalf of the Municipality.

As it appears that the Municipality was directed to take steps for conclusion of the proceeding within a period of eight weeks from the date of receipt of the representation and as hearing was conducted way back in 2019, it is incumbent for the Municipality to conclude the proceeding at the earliest.

On account of keeping the proceeding pending for such a long period, the persons responsible for making construction are continuing with the unauthorized construction.

Learned advocate for the private respondents submits that after issuance of the stop work notice, his clients have stopped the construction work. The aforesaid contention has been denied by the learned advocate for the petitioner.

Be that as it may, as it appears that the Court has already passed an order directing the Municipality to act in a particular manner, the Municipality ought to act in accordance with the same.

In view of the above, the instant writ petition is disposed of by directing the Municipality to take necessary steps strictly in accordance with the order passed by the Court on March 29, 2019.

A reasoned order shall be passed and communicated to the petitioner and all other parties at the earliest but positively within a period of four weeks from the date of communication of this order. If required, a further inspection shall be conducted to ascertain the extent of the unauthorized construction, if any, and thereafter take necessary follow up steps to deal with the same.

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.

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**(Amrita Sinha, J.)**