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16.06.2023
d.p.

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

W.P.A 5759 of 2023

**Md. Shahabuddin
-versus
The State of West Bengal & Ors.**

**Mr. Satyendra Agrawal,
Mr. Bijoy Bag.
...For the Petitioner.**

**Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh.
...For Bally Municipality.**

**Ms. Munmun Tewary.
...For the State.**

**Mr. Subhasish Pachhal.
...For the Respondent
Nos. 8 and 9.**

Learned advocate appearing for the petitioner complains that the private respondents are raising illegal and unauthorized construction at 146/B, Girish Ghosh Road under Ward No.20, Bally Municipality.

Specific allegation is that the mandatory side open spaces have not been maintained at the time of making construction. The public drains have also been encroached and construction has spilled over to the public road.

The allegation of unauthorized construction is denied by the learned advocate appearing for the private respondents. It has been submitted that construction has been made in accordance with the plan sanctioned by the Municipality.

A report has been filed by the Sub-Assistant Engineer, Bally Municipality signed on 16th March, 2023 wherefrom it appears that a building sanctioned plan was issued for construction of a G+2 storied building.

On receipt of a complaint of unauthorized construction, a spot inspection was conducted.

It was revealed that the RCC framed structure with roof upto the second floor has been completed. The brick works in the ground and the first floor have been partially completed. The mandatory side open spaces have been infringed and there is deviation in all the floors of the construction made.

As it appears from the report of the Municipality that unauthorized construction has been detected, accordingly, the Administrator of Bally Municipality is directed to take necessary steps in accordance with law to deal with the unauthorized construction after giving a reasonable opportunity of hearing to all the necessary parties.

The Administrator of the Municipality shall endeavour to conclude the proceeding at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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.)