

26-06-2023
ct no. 24
Sl. 23
Sayandeep

WPA 6056 of 2023

Kamal Das

-Versus-

The State of West Bengal & Ors.

Mr. Pritam Chaudhury

Mr. Abhisek Addhya

...for the petitioner

Mr. Wasim Ahmed

Mr. Sk. Md. Masood

.....for the State

Mr. Rudranil De

Ms. Manaranjan Mahata

...for the respondent Nos. 3,4 & 5

Mr. G. Ray

Ms. Mansi Ray

.....for the respondent No. 7

The petitioner alleges illegal and unauthorized construction at the behest of the respondent no. 7 and his son. The son of the respondent no. 7 has not been impleaded as party in the instant writ petition.

Learned advocate representing the respondent no. 7 submits, upon instruction that, the respondent no. 7 gifted the plot of land in favour of his son long back. As the son has not been impleaded as party, the writ petition will not be maintainable.

The specific allegation of the petitioner is that construction is being made without maintaining the mandatory side upon spaces and without obtaining any sanction from the Municipality. Objection filed against such unauthorized construction and making illegal water connection is pending consideration.

Learned advocate representing the respondent no. 7 submits that the petitioner is guilty of raising unauthorized construction. Objection to that effect was filed before municipality. On receipt of the complaint, the municipality conducted spot inspection and afforded opportunity of hearing to both the parties. Final order, however, is yet to be passed.

Learned advocate representing the municipality has produced a report signed by the Chairman on 1st June, 2023. It appears therefrom that inspection was conducted and the Municipality has taken note of the unauthorised constructions made by the parties.

As the Municipality has detected unauthorized construction, the Municipality is directed to take necessary consequential steps

to deal with such unauthorized constructions in accordance with law. 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 this order.

Instruction forwarded by the Ashoknagar Kalyangarh Municipality be retained with the records.

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.)