

Item No.07

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

09.06.2023
Ct-24
AGM

WPA 4934 of 2020

Sumita Adhya (Datta)

v.

The Hooghly Chinsurah Municipality & Ors.

Mr. Sharanya Chatterjee

Mr. Arnab Sinha

Mr. Amartya Basu

... for the petitioner.

Ms. Kasturi Tarafdar

... For the respondent no.6.

Mr. Tanmoy Chowdhury

... for the respondent no. 1 and 2.

A report has been filed by the Chairman/Executive Officer, Hooghly Chinsurah Municipality signed on 7th June, 2023.

It appears therefrom that an inspection was conducted and at the time of inspection it was observed that the unauthorised CGI sheet shed was found removed and 4 feet clear side space from the adjoining building of the petitioner was maintained. The boundary wall erected by both the petitioner and the private respondent no. 6 was found exceeding the permissible height laid down in the West Bengal Municipal (Building) Rules, 2007 since amended. Three photographs of the disputed construction have been placed before this Court by the learned advocate representing the Municipality.

Learned advocate representing the petitioner submits that the structure in question is an illegal and unauthorised one. Prayer has been made for a direction upon the municipality for demolishing the same.

Documents annexed to the writ petition show that the construction in question is in existence since 1992.

Learned advocate representing the private respondents submits, upon instruction that, the private respondent purchased the property along with the disputed construction. It has been submitted that no new construction was made by the respondent no. 6.

It has however been submitted that the disputed construction is a shop room, which is the only source of income to the private respondent.

Prayer has been made for permitting the private respondent to retain the subject construction.

It appears from the documents placed before this Court and submission made on behalf of all the parties that the disputed construction is in existence for quite some time. It is a tin shed single storied structure used as a shop room.

It will be open for the Municipality to take a decision as to whether the said construction is liable to be demolished or may be permitted to be retained.

A decision shall be taken in the matter by the Board of Councillors, Hooghly Chinsurah Municipality in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties.

Steps shall be taken at the earliest but positively within twelve weeks from the date of communication 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.)