

WPA 4993 of 2020

**Sri Abhijit Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Debasish Ghosh

... .. amicus curiae

Mr. Sirsanya Bandopadhyay

... .. for the State

Mr. Arka Kumar Nag

Mr. Tirthankar Dey

Mr. S. Banerjee

... .. for the BMC

1. Heard learned counsel for the parties at length.

2. By way of this writ petition styled as public interest litigation the petitioner seeks action against the 10th respondent who is alleged to have made unauthorized or illegal construction.

3. The petitioner had submitted various representations which were not considered and therefore the petitioner approached this Court.

4. During the pendency of the writ petition the petitioner did not prosecute the matter, therefore the learned advocate Mr. Debasish Ghosh was appointed as amicus curiae by the Hon'ble Division Bench.

5. The 10th respondent has filed the affidavit-in-opposition denying the allegation of any unauthorized or illegal construction. Rather he would state that he is not making any construction. The other allegations made by the petitioner has been denied in toto.

6. We find that the respondent Municipal Corporation has not taken any specific stand in the writ petition as to

whether the 10th respondent has put up illegal or unauthorized construction.

7. In fact, when a representation has been received, Municipal Corporation authorities could have examined the same for its correctness and if there was any illegal or unauthorized construction action could have been taken under the relevant Statute.

8. This having not been done, we are inclined to issue the following directions:

9. The writ petition is disposed of by directing the Bidhannagar Municipal Corporation to take into consideration the representation given by the petitioner dated 15th January, 2020 issued notice to the 10th respondent and conduct an enquiry and if any unauthorized or illegal construction is found appropriate action shall be initiated in accordance with the relevant Statute within a period of six weeks from the date of the receipt of the copy of this order.

(T.S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)