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Ct  
No24  
AGM

01.05  
2023

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

**WPA 6787 of 2022**

**Sri Prasanta Manna  
Vs  
The State of West Bengal & Ors.**

**Ms. Nibedita Chakraborty  
... for the petitioner.**

**Mr. Santanu Chatterjee  
... for the HMC**

**Mr. Susanta Pal  
Mr. Ananda Dular Sarkar  
... for the State.**

**Mr. Souvik Das  
Mr. K.R Ahmed  
Mr. Rudranil Das  
...for the respondent no. 4.**

The petitioner complains of illegal and unauthorised construction at the instance of the private respondent. It has been submitted that the mandatory side open spaces have been infringed. The private respondent has constructed a soak-pit just beside the boundary wall and close to the water source of the petitioner. The soak-pit is contaminating the water of the petitioner's premises.

Objection filed before the HMC is pending consideration.

Learned advocate representing the private respondent submits that construction has been made in accordance with the plan sanctioned by the Corporation.

On perusal of the documents annexed to the writ petition and upon hearing the parties, it appears that a plan was sanctioned in favour of the private respondent in the year 2004 but a proceeding was initiated against the said respondent for deviation at the time of making construction. The parties are unaware as to whether the said proceeding was concluded or not.

The parties submit that inspection is yet to be conducted to ascertain the nature and extent of deviation.

In view of the above, the instant writ petition is disposed of by directing the respondent no. 2 being the Municipal Commissioner or his delegate to take steps to consider the representation filed by the petitioner on 6<sup>th</sup> April, 2019 in accordance with the law after giving reasonable opportunity of hearing to all the necessary parties and to pass a reasoned order and communicate the same to the parties.

The respondent authority shall cause a spot inspection to ascertain the nature and extent of unauthorised construction. Necessary consequential remedial steps shall be taken by the Court in the matter at the earliest but positively within twelve weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 6<sup>th</sup> April, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

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.)**