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Ct
No24
AGM

26.06
2023

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

WPA 7298 of 2023

**Shyam Sundar Das
Vs
Ranaghat Municipality & Ors.**

Mr. Sunny Nandy
Mr. Anand Jha ... For the Petitioner

Mr. Achintya Kumar Banerjee
Mr. Indumouli Banerjee
... For the Municipality.

The petitioner complains of illegal and unauthorised construction at the behest of the private respondents.

Objection filed against such unauthorised construction is pending consideration at the end of Ranaghat Municipality.

None appears on behalf of the private respondents.

Affidavit-of-service and the notice of upgradation served upon the private respondents be retained with the records.

Learned advocate representing the Ranaghat Municipality produces an enquiry report signed by the Assistant Engineer and Sub Assistant Engineer of the Municipality on 28th March, 2023. It appears therefrom that the allegation of the petitioner was enquired.

A spot inspection was conducted and at the time of inspection it was observed that both the petitioner and the private respondents were guilty of raising unauthorised construction. The houses of the petitioner and the private respondents are very close and the property does not have any boundary or demarcation between the eastern and the western side. The exact boundary of the properties cannot be ascertained.

Both the parties raised construction without obtaining any sanctioned plan. None of the parties could

produce their sanctioned plan before the Municipality.

On perusal of the enquiry report, it appears that the Municipality has detected unauthorised construction.

Accordingly, the Municipality shall take necessary steps in accordance with law, to deal with any unauthorised construction at the end of both the parties.

Reasonable opportunity of hearing shall be given to both the parties to defend their respective construction. Steps shall be taken in the matter at the earliest but positively within twelve weeks from the date of communication of this order.

It will be open for the parties to produce documents in support of the construction made at the time of hearing scheduled by the Municipality.

Instruction forwarded by the 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.)