

19.04.2023
Item No.32
Court No.24
AJ.

W.P.A. 7323 of 2023

Durga Prasad Bhakat
-Vs-
The State of West Bengal & Ors.

Mr. Uttiya Ray,
Mr. Arnab Mandal.
.....for the petitioner.

Mr. Sourav Chowdhury,
Ms. Sukla Das Chanda.
.....for the State.

Mr. Subhasis Bandopadhyay.
.....for the Burdwan Municipality.

Mr. Soumik Ganguly,
Mr. Sayan Roy.
.....for the respondent no.5.

Affidavit of service filed in Court today is
taken on record.

The petitioner complains of illegal and
unauthorized construction at the behest of the
respondent no.5 who was a licensee of the
predecessor-in-interest of the petitioner.

A civil suit is pending between the parties
before the learned Court below.

The petitioner alleges that the private
respondent is raising construction without
obtaining any sanctioned plan. An objection
appears to have been filed by the petitioner before
the Burdwan Municipality.

On a perusal of the said objection it
appears that the relevant details of the

construction made by the private respondent is not mentioned therein.

Learned Advocate for the private respondent denies the allegation of the petitioner. As it appears that the objection filed by the petitioner is devoid of the required details of unauthorized construction, accordingly, the instant writ petition is disposed of giving liberty to the petitioner to file appropriate objection before the Burdwan Municipality highlighting his grievances with details of the unauthorized construction, if any, made at the instance of the private respondents.

In the event such a representation is made, the same shall be taken up for consideration in accordance with law by the Board of Councillors, Burdwan Municipality.

A reasoned order shall be passed and communicated to the parties.

Reasonable opportunity of hearing shall be given to all the necessary parties.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Amrita Sinha, J.)

