

Ct. 24
Item No.16
06.07.2023
(Suvendu)

WPA 8773 OF 2023

Naresh Bardhan & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Arup Krishna Das
.....for the petitioners

Mrs. Rupsha Chakraborty
... for the State

Mr. Sudarsan Roy
Ms. Diptuska Majumder
Ms. Rimu Dam
... for the North Dum Dum Municipality

Mr. Sarwar Jahan
Mr. Sumit Naskar
Mr. Asif Mehadi
...for the private respondent no.5

The petitioners complain of illegal and unauthorized construction at the instance of the private respondent. A complaint was lodged by the petitioners before the North Dum Dum Municipality. The petitioners allege that no steps have been taken for consideration of the complaint made by the petitioners.

Learned advocate representing the private respondent admits that the construction was made out of necessity. It has been admitted that no permission/ sanction was obtained prior to raising such construction.

Learned advocate representing the Municipality submits, upon instruction that, the complaint of the petitioners was duly taken up for consideration. A notice of hearing was given to all the parties. The petitioners as well as the private respondent attended the hearing. A joint spot inspection was conducted to ascertain the allegation of unauthorized construction.

After thorough discussion, the Board of Councillors of the Municipality unanimously resolved to provide thirty days' time to the private respondent to enable him to demolish the unauthorized construction of one brick built room measuring 15 ft. x 15.5 ft = 232.5 sq.ft. area covering the roof with GI sheet. Order of demolition has been passed by the Municipality.

The Municipality is directed to take steps for implementation of the order of demolition already passed.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on usual undertakings.

(Amrita Sinha, J.)