

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

62, 63 & 64
18.07.2023
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WPA 28780 of 2022

**Amit Supakar
v.
Asansol Municipal Corporation & Ors.**

With

**WPA 28782 of 2022
Rashmi Tigga
Vs.
Asansol Municipal Corporation & Ors.**

With

**WPA 9912 of 2021
Bikash Laha
Vs.
Asansol Municipal Corporation & Ors.**

**With
CPAN 702 of 2021
Bikash Laha
Vs.
Nitish Singhania**

**Mr. Pingal Bhattacharyya
Mr. Rajdeep Sinha
Ms. Soumita Ghosh**

**... for the petitioner in
WPA 9912 of 2021 & CPAN 702 of
2021 & for the private respondent
in WPA 28780 of 2022
& WPA 28782 of 2022.**

**Mr. Debajyoti Basu
Mr. Subhojit Seal
Mr. Dibyendu Ghosh**

**... for the petitioner in WPA 28780 of
2022 & WPA 28782 of 2022 and for the**

private respondents in WPA 9912 of 2021.

**Mr. Santanu Chatterjee.
... for AMC in all the matters.**

An order of demolition was passed by the Asansol Municipal Corporation on January 21, 2021.

Allegation of the petitioners, Amit Supakar and Rashmi Tigga claiming themselves as flat-owners of the subject construction, is that the said order was passed without giving them an opportunity of hearing.

It appears that pursuant to order passed by this Court all the flat-owners of the subject premises were put on notice and inspection for detection of unauthorized construction was conducted.

It is the specific case of Bikash Laha that the plan was sanctioned contrary to the building rules.

In the record of proceedings dated September 23, 2022 it appears that the Licensed Building Surveyor, Sri Suranjan Dhar prepared the building plan of the apartment and the developer and land owners jointly prepared a sketch map in respect of the deviated portions of the construction done in violation of the sanctioned plan. The same was placed on record and the same was brought to the notice of all the flat-owners including Amit Supakar and Rashmi Tigga.

A copy of the record of proceedings dated September 21, 2022 and September 23, 2022 be retained with the records.

From the records of the proceedings dated September 21, 2022 it appears that the Commissioner

directed further site inspection to be undertaken in presence of all the flat-owners. The Court has been informed that the said inspection has not been conducted till date.

To resolve the dispute, the Commissioner, Asansol Municipal Corporation or his delegate is directed to cause further spot inspection upon notice to all the necessary parties including the flat-owners and the developer/builder to ascertain the nature and extent of unauthorized construction.

If any unauthorized construction is detected, then necessary steps shall be taken to deal with the same in accordance with law.

The aforesaid submission of Bikash Laha shall be considered by the Commissioner in the presence of all the parties so that all the flat-owners and the developer/builder get an opportunity to make necessary submission apropos the aforesaid allegation.

The entire exercise shall be conducted at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

All the three writ petitions and the contempt application stand disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Amrita Sinha, J.)