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Ct 2023
No24
AGM

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

WPA 9093 of 2022

**Amalesh Mondal
Vs
The State of West Bengal & Ors.**

**Mr. Soumik Ganguly
Mr. Sayan Ray
... For the Petitioner.**

**Mr. Kaushik Chatterjee
Mr. Nilanjan Adhikari
... for the respondent nos. 4 and 5.**

**Mr. Asish Kumar Guha
Mr. Naren Ghosh Dastidar
... For the State.**

**Mr. Jayanta Kumar Das
Ms. Madhumanti Das
... For the respondent nos. 7 and 8.**

The petitioner complains of illegal and unauthorised construction being raised at the instance of the private respondents without obtaining any sanction from the Contai Municipality.

It appears that the petitioner approached the Court of the learned S.D.E.M. under Section 144 (2) of the Code of Criminal Procedure. The learned Court below passed a restraint order restraining the defendants to stop all illegal and unauthorised construction.

Despite the restraint order passed by the learned Court below, the private respondents continued with the construction work. The petitioner filed objection before the Municipality way back in November, 2021 mentioning

that the construction work was going on without any sanction.

Learned advocate representing the private respondents denies the allegation of the petitioner. It has been submitted that no new construction has been made and only repairing work has been done.

The petitioner has produced photographs of the alleged construction wherefrom it appears that the same has gone up to a considerable extent. As considerable period of time has elapsed between the date of filing the objection and the date of passing the instant order, accordingly, the petitioner is granted leave to file a comprehensive representation highlighting the details of the unauthorised construction made at the instance of the private respondents.

If such a representation is filed, the same shall be taken up for consideration by the respondent no. 4 and disposed of in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties. A reasoned order shall be passed and communicated to the parties.

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.)