

W.P.A. 8177 of 2015

**Sri Swapan Bej Modak
Vs.
The State of West Bengal & Ors.**

Mr. J.K. Mondal
Mr. Jayanta Kr. Mukhopadhyay
....for the petitioner

Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee
Mr. S. Bhaduri
...for the Uttarpara Kotrung
Municipality

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioner and Uttarpara-Kotrung Municipality.

However, no one is representing the private respondents in spite of service of notice upon them pursuant to the previous order passed by this Court. Affidavit-of-service filed on behalf of the petitioner is taken on record.

Petitioner complains of unauthorized construction at holding no. 37, Bazar Lane, Uttarpara under Ward No. 16. Based on such complaint Sub-Assistant Engineer, Uttarpara-Kotrung Municipality made an inspection and prepared a report dated 17th May, 2023 which is placed before this Court wherefrom it appears that construction described in the said report at the 4th floor of the aforesaid holding number is found to be unauthorized. Such report dated 17th May, 2023 is taken on record.

In view of aforesaid position this Court directs the concerned authority of Uttarpara-Kotrung Municipality to initiate proceeding under Section 218 of the West Bengal Municipal Act, 1993 and bring the same into logical conclusion within 16 (weeks) from the date of communication of this order after granting opportunity of hearing to the petitioner and the private respondents or their representatives.

The decision to be taken by the concerned authority of Uttarpara-Kotrung Municipality shall be communicated to the parties within 2 (two) weeks thereafter.

With the aforesaid directions, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)