

08 18.09.2023
rkd Ct.15

W.P.A. 8532 of 2018

Md. Gayasuddin & Anr.

-vs-

State of West Bengal & Ors.

Mr. Niranjana Kumar Singh

....for the petitioners.

Mr. Soumya Banerjee,
Ms. Sucheta Banerjee

....for the respondent no.2.

The petitioners complain of unauthorised construction at the instance of respondent no.8 and has prayed for demolition of the same.

In spite of service of notice upon the respondent no.8 the said respondent is not represented today.

However, Kamarhati Municipality is represented by learned advocates.

Affidavit-of-service filed by the petitioners is taken on record.

Notice of this Court has been drawn to one complaint dated 24th August, 2017 lodged before the Chairman of the aforesaid Municipality alleging unauthorised construction at the instance of the said respondent no.8 encroaching the common passage which is being used by the petitioners for egress and ingress.

In view of such complaint dated 24th August, 2017 which has been lodged by the petitioners the concerned authority of Kamarhati Municipality is directed to initiate proceeding under Section 218 of the West Bengal Municipal Act, 1993 within a period of two weeks from the date of communication of this order and conclude the same within twelve weeks thereafter, after granting opportunity of hearing to the petitioners and respondent no.8.

It will be open to the concerned authority of the Municipality to cause an inspection at the locale where unauthorised construction is alleged to have been carried out before taking final decision in connection with the proceeding which is to be initiated pursuant to the order passed by this Court.

The final decision to be taken by the concerned authority of the Municipality shall be communicated to the parties within one week thereafter.

With the aforesaid direction the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this

order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)