

55. 25.04.2023
bd. Ct.15

W.P.A. 8805 of 2015

IA No. CAN 1/2018 (Old No. CAN 3985/2018)
IA No. CAN 2/2018 (Old No. CAN 5414/2018)
IA No. CAN 3/2019 (Old No. CAN 3710/2019)
IA No. CAN 4/2019 (Old No. CAN 3711/2019)

Sri Ujjal Ghosh

-vs-

State of West Bengal & Ors.

Mr. Ankit Agarwala

Ms. Alotriya Mukherjee ... for the petitioner

Mr. Tapash Kumar Ghose

Mr. Tanmoy Chowdhury ... for the
respondent nos. 2 to 5.

Mr. Soumik Ganguli

... for the respondent
no.8.

Ms. Ariba Shahab

... for the respondent
nos. 10 to 13.

The grievance of the petitioner is construction made by the private respondents whereby a water body has been encroached by the private respondents in order to run a business.

According to the petitioner such construction cannot be maintained since the alleged construction has been made over a water body.

Mr. Ghose, learned advocate representing Hooghly Chinsurah Municipality submits that the said "Doba" has not been encroached by the private respondents by making construction but adjacent to Doba there is one municipal pacca road which might have been encroached by the private respondents.

Considering the grievance canvassed on behalf of the petitioner it appears that before taking final decision by the concerned authorities of the Municipality nature of the construction made by the private respondents needs to be ascertained which requires initiation of proceeding under section 218 of the West Bengal Municipal Act, 1993.

Accordingly, the concerned authority of Hooghly Chinsurah Municipality is directed to initiate a proceeding under section 218 of the West Bengal Municipal Act, 1993, and bring the same into logical conclusion within a period of 16 weeks from the date of communication of this order.

However, it is made clear before taking the final decision the concerned authority of the Municipality is directed to grant an opportunity of hearing to the petitioner and the private respondents. The decision to be taken by the Municipality shall be communicated to the parties within one week thereafter.

With the aforesaid direction the writ petition stands disposed of. Applications connected to this writ petition also stand disposed of. However, 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.)

