

Item No. 4

In The High Court At Calcutta
Special Jurisdiction
Appellate Side

26.04.2023
Ct-24

CPAN 468 of 2021
Malda Real Estate Pvt. Ltd. & Anr.
v.
Suresh Chandra Rano & Ors.
in
WPA 5666 of 2020
with
IA No. CAN 1 of 2020
(Old No. CAN 3537 of 2020)

Mr. Sannidhya Datta
... for the petitioners.

Mr. Partha Sarathi Bhattacharya
Ms. Sonal Sinha
... for the Municipality.

The petitioners complain of illegal and unauthorized construction at the instance of one Bakultala Thek, a local club situated at Monaskamana and Bansbari Junction, Ward No. 14, Malda.

The petitioners allege that despite repeated objections raised before the Municipality, steps have not been taken to deal with such unauthorized construction.

On a perusal of the objection filed by the petitioners seeking redressal of their grievances it appears that the details of the unauthorized construction have not been mentioned.

The objection is a very vague and cryptic one.

It may not be possible for the Municipality to take action on the basis of such objection.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioners to file comprehensive representation highlighting the illegalities in making construction.

In the event such a representation is filed by the petitioners before the Municipality, the same shall be taken up for consideration by the authority.

A spot inspection shall be conducted upon prior notice to all the necessary parties and the report of inspection be circulated amongst all the parties.

An opportunity of hearing shall be given to the parties and a final order shall be passed in the matter.

In the event it transpires that there is any illegality about the construction complained of, then necessary steps shall be taken to deal with the same in accordance with law.

Efforts shall be taken to conclude the entire exercise at the earliest but positively within a period of twelve weeks from the date of filing the representation before the Municipality.

The writ petition, the contempt application and the connected application stand disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)