

ML 12
05.06.2023
Ct. No. 15
adeb

W.P.A. 9543 of 2015

**Sri Bikash Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Sanjib Das
....for the petitioner

Mr. Arnab Roy
Ms. Sayani Ahmed
Ms. Debamita Mukherjee
...for the respondent nos.
11 &12

Mr. Tapas Kr. Adhikari
...for the State

The writ petition is taken up for consideration pursuant to the order dated 11th May, 2023 in presence of the learned advocates representing the petitioner, State-respondents and respondent nos. 11 & 12. However, in spite of service of notice Barasat Municipality remains unrepresented today. It needs to be stated herein that on previous occasion, 11th May, 2023, hearing of the writ petition was adjourned on the prayer made on behalf of Barasat Municipality and matter is fixed for hearing today.

In view of continued absence of Barasat Municipality this Court having considered the submissions made on behalf of respective parties has decided to dispose of the writ petition.

The learned advocate representing the petitioner relies upon a letter dated 2nd March, 2015 addressed to

the Chairman, Barasat Municipality complaining of unauthorized construction on Deshbandhu Sarani, P.S.- Barasat, District-North 24 Parganas and it has also been submitted that in spite of lodging such complaint with the Barasat Municipality till date no steps have been taken to mitigate the grievance of the petitioner.

Respondent nos. 11 & 12 are represented by learned advocate who submits that pursuant to development agreement made by and between the parties the respondent nos. 11 & 12 being the developers have made construction after obtaining sanctioned plan from concerned authority of Barasat Municipality and subsequently construction has been made complete and completion certificate was issued by the Chairman, Barasat Municipality on 19th February, 2018 wherein it has been stated that plan was sanctioned on 30th March, 2012. Revised sanctioned plan has also been placed before this Court which is taken on record. Completion certificate dated 19th February, 2018 placed before this Court today is also taken on record. It is also submitted on behalf of respondent nos. 11 & 12 that claiming *inter se* right in connection with the premises in question a civil suit is pending.

Be that as it may, considering the grievance ventilated on behalf of petitioner this Court directs the concerned authority of Barasat Municipality to initiate proceeding under Section 218 of the West Bengal

Municipal Act, 1993 within 8 (eight) weeks from the date of communication of this order and bring the same into logical conclusion within 16 (sixteen) weeks thereafter.

However it is made clear before taking final decision on the allegation of unauthorized construction made on behalf of petitioner opportunity of hearing shall be granted to the petitioner and respondent nos. 11 & 12 or their representatives. The decision to be taken by the concerned authority of Barasat Municipality shall be communicated to the parties within 1 (one) week 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.)