

16.03.2023
Item No. 06
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 11975 of 2022

**Paban Porel & Ors
-versus
The State of West Bengal & Ors.**

**Ms. Susmita Saha Dutta,
Mr. Niladri Saha,
Ms. Madhurima Basu,
...For the Petitioners.**

**Mr. Triptimoy Talukdar,
Mr. Abhiraj Rtarafdar,
...For the respondents Nos. 2 to 4.**

**Mr. Rajarshi Basu,
Mr. S. T. Mina, ... For the State.**

From the report filed by the Municipality, it appears that there has been illegal and unauthorised construction by covering the ground floor space meant for car parking into a room by constructing brick build wall.

According to the petitioners, apart from the above, there are other illegalities. The same has been mentioned in the exception filed by the petitioners to the report filed by the Municipality.

As it appears that the Municipality has detected unauthorised construction, accordingly, the Municipality is directed to take steps to deal with such unauthorised construction in accordance with law.

The Municipality shall also take into consideration the illegalities pointed out by the petitioners in paragraph 9 of the exception filed by them, and if it commences to the Municipality that the

illegalities highlighted in the exception amounts to unauthorised construction, necessary steps shall be taken to deal with the same.

The Municipality shall take steps in the matter upon giving prior opportunity of hearing to all the necessary parties at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

The report filed by the Municipality and the exception thereto be retained with the records.

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

(Amrita Sinha, J.)