

17.07.2023.
Court No.24
Item No. 48
pk

W.P.A. No. 12888 of 2023
Sri Pradip Banik and another
Versus
The Bally Municipality and others

Mr. Subhasis Chakraborty,
Mr. Sunny Nandy,
Ms. Sushmita Kumari Singh,
Mr. Diptangshu Kar,
Ms. Namrata Chakraborty
... For the petitioners.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh
... For the Bally Municipality

Mr. Dipankar Ghosh
... For the State.

The petitioner complains of illegal and unauthorised construction at the behest of the private respondent at premises no. 4/1/A, Asutosh Mukherjee Road under the jurisdiction of Bally Municipality.

None appears on behalf of the private respondent despite service. Affidavit of service filed in Court today is taken on record.

Learned advocate representing the Bally Municipality submits, upon instructions that, the premises in question was inspected and it was found that the owner has a sanctioned plan for construction of G+3 storied building. It was detected that construction was made only up to the ground floor roof, but the said construction is in deviation from the sanctioned plan.

As it appears that the Municipality has detected unauthorised construction, in deviation of the sanctioned plan, accordingly Bally Municipality is directed to take necessary consequential steps to deal with such unauthorised construction in accordance with law after giving reasonable opportunity of hearing to all the necessary parties. A reasoned order shall be passed and communicated to the parties.

Endeavour shall be taken to ensure that the proceeding is concluded at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The Municipality shall ensure that no unauthorised construction takes place at the subject premises till the matter is finally decided.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)