

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

W.P.A 13841 of 2023

**Dilip Kumar Khedia
-versus
The State of West Bengal & Ors.**

**Mr. Rameshwar Sinha
Mr. Subhadeep Maitra
...For the Petitioner.**

**Mr. Mrinal Kanti Ghosh
Mr. Janardan Mondal
... For the State.**

**Mr. Sougata Mitra
... For the Purulia Municipality.**

**Mr. Pritam Majumdar
Mr. Rahul Deb Goenka
... For the respondent no. 8.**

The petitioner is aggrieved by the stop work notice issued by the Purulia Municipality on 27th April, 2023.

According to the petitioner, the construction is being made in accordance with the plan sanctioned.

Learned advocate representing the private respondent submits that relying upon a sanctioned plan obtained for constructing G+4 storied structure, additional floor has been constructed.

It appears from the impugned stop work notice that the same was issued in response to the complaint filed by the private respondent.

Learned advocate for the Municipality is not aware as to whether the Municipality inspected the premises to ascertain whether any unauthorised construction is going on or not.

It appears that the impugned notice was issued in the month of May 2023 and till date the Municipality has not taken any further step in the matter but has simply directed the petitioner to stop the construction work. The Municipality ought not to restrain the petitioner from proceeding with the construction work without any valid reason.

Learned advocate appearing for the parties submits that a hearing was conducted and the petitioner submits that all documents in support of the construction were filed before the Municipality.

The Municipality is directed to cause a spot inspection to ascertain the nature and extent of the construction made by the petitioner.

It appears that if there is any construction, which is devoid of sanctioned plan or without a sanction, then necessary steps shall be taken to deal with the same in accordance with law.

The Municipality shall take steps in the matter at the earliest and conclude the proceeding positively within eight weeks from the date of communication of this order.

Affidavit-of-service filed in Court today be kept with the records.

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.)