

07. 23.03.2023
bd. Ct.15

W.P.A. 15797 of 2017

Arati Das & Ors.

-vs-

Barasat Municipality & Ors.

Mr. Mrinal Kanti Ghosh

... for the petitioners.

Mr. Supriyo Roy Chowdhury

Mr. Sankar Ghosh

... for the Barasat Municipality.

Affidavit of service filed today on behalf of petitioner is taken on record.

However, no one is representing the respondent nos. 4A, 4B and 5 today.

Barasat Municipality is represented by learned advocate.

The grievance of the petitioner is in spite of making complaint before the Chairman of Barasat Municipality far back on 3rd October, 2016 alleging illegal construction at the instance of the private respondents no steps were taken to mitigate the grievance of the petitioners.

Learned advocate for the petitioners prays for initiating appropriate proceedings in accordance with the relevant provisions of the West Bengal Municipal Act, 1993 for demolition of the said alleged unauthorised construction which has been erected by the private respondents.

Learned advocate for the Municipality also submits that if necessary direction is given by this

Court on this writ petition there is no impediment in initiating appropriate proceedings in order to identify nature of construction made by the private respondents.

Having considered the submissions made on behalf of respective parties, this Court directs the Board of Councillors of Barasat Municipality to initiate proceedings under section 218 of the West Bengal Municipal Act, 1993 taking into cognizance the complaint lodged by the petitioners. The proceedings which is to be initiated in terms of the above direction shall be brought to a logical conclusion within a period of 12 weeks from the date of communication of this order after granting opportunity of hearing to the petitioners and the private respondents.

If it is found on conclusion of the said proceedings that the construction has been made by the private respondents unauthorisedly appropriate steps shall be taken by the said municipality for demolition of the same.

With the aforesaid direction the writ petition stands disposed of. However, 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.)