

Item No.108(ml)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

11.01.2023
Ct-24

WPA 16337 of 2021
Kamala Dey

v.

The State of West Bengal & Ors.

Mr. Subhendu Roy Chowdhury
Mr. Sandip Dinda
... for the petitioner.

Mr. Susanta Pal
Mr. Sajal Kumar Pandit
... for the State.

Ms. Mousumi Bhowal
... for the Municipality.

The petitioner alleges illegal and unauthorized construction at the instance of the respondent nos. 6 and 7 and complains that the objection filed before the Municipality in September 2021 has not been taken up for consideration till date.

On a perusal of the objection filed by the petitioner it appears that the same has been addressed to an incorrect authority. There is no representation before the Dum Dum Municipality.

Accordingly, the instant writ petition is disposed of by granting liberty to the petitioner to make appropriate application before the competent authority of the Dum Dum Municipality giving details of the alleged unauthorized construction made.

In the event such a representation is made, the same shall be taken up for consideration by the Board of Councillors, Dum Dum Municipality 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.

If it transpires that there is any unauthorized construction as alleged or at all, then necessary steps shall be taken by the Municipality to deal with the same.

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.

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(Amrita Sinha, J.)