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18.09.2023
d.p.

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

W.P.A 15386 of 2023

**Md. Afroz Ahmed
-versus
The Bally Municipality & Ors.**

**Mr. Tanmoy Mukherjee,
Mr. Rudranil Das.
...For the Petitioner.**

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

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the private respondents in spite of service.

The matter relates to unauthorized construction at 32/2, Dr. H.K. Chatterjee Road, Ward No.19, P.S.-Belur within the Bally Municipality.

The petitioner alleges that a G+4 storied building has been constructed without any sanction plan at all.

Learned advocate appearing for the Bally Municipality submits, upon instructions that, inspection reveals that a construction is standing at the subject premises and the person responsible failed to

produce any sanction in support of the construction made.

Notice under Section 220 (1) of the West Bengal Municipal Act, 1993 has been issued on 27th September, 2020.

200(1) notice clearly mentions that the person responsible made construction without maintaining the mandatory side open spaces and deviated from the permissible height as prescribed under the West Bengal Municipal Rules.

As it appears that the Municipality has detected unauthorized construction, accordingly, the Municipality is directed to conclude the proceeding under the Act upon giving notice 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 Inspector-in-Charge, Belur Police Station is directed to keep strict vigil over the property to ensure that no construction in any manner whatsoever is carried on at the subject premises.

The private respondents are restrained from transferring/selling/alienating or creating any third party right in respect of the subject structure.

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.)