

Item No 29.03
06 2023
Ct No 24
AGM

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

WPA 14857 of 2019

**Sri Barendra Nath Dey
Vs
State of West Bengal & Ors.**

Mr. Sanjib Seth, ... For the petitioner.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumdar,
... For the HMC.

Mr. Suman Banerjee,
Mr. Rajnil Mukherjee, ... For the respondent No. 6.

Mr. Ayan Banerjee, ... For the Bally Municipality.

The petitioner complains of illegal and unauthorised construction at the instance of the private respondent at holding no. 20/2, Raj Krishna Kumar Street, Post Office-Belurmath, District – Howrah. Complaint was lodged by the petitioner before the Howrah Municipal Corporation.

The property in question is presently within the jurisdiction of Bally Municipality. From records it appears that objection has not been raised by the petitioner before the Bally Municipality.

In view of the above, the instant writ petition is disposed of by granting leave to the petitioner to file appropriate representation before the Bally Municipality highlighting the illegalities at the time of raising construction by the private respondent.

In the event such representation is filed, the same

shall be taken into consideration by the Bally 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.

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.)