

Item No.03

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

18.07.2023
Ct-24
AGM

WPA 16051 of 2023
Amal Kumar Ghosh & Anr
v.
The Uluberia Municipality & Ors.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
... for the petitioners.

Mr. Gobinda Ch. Bandyopadhyay
... For the Uluberia Municipality.

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

The construction made by the private respondent Mr. Subrata Dey @ Bappa son of Shri Sailendra Nath Dey at Bazar Para (Hait Para), P.O. Uluberia, Ward No. 27 under Uluberia Municipality has been held to be unauthorized by the Municipality.

Uluberia Municipality by a communication dated 3rd May, 2023 directed the person responsible i.e. Subrata Dey to take steps against such illegal construction as soon as possible.

A further notice under Section 220 of the West Bengal Municipal Act, 1993 was issued to the said Subrata Dey to stop further construction work at the subject premises failing which steps shall be taken in accordance with the Municipal Act.

Learned advocate appearing for the petitioner submits that despite stop work notice issued and despite the finding of the Municipality that the construction is an unauthorised one, the private respondent is merrily carried on the work of construction.

Prayer has been made for demolition of the unauthorised construction.

Learned advocate representing the Uluberia Municipality admits that the construction in question is an illegal and unauthorised one. It has been submitted that steps will be taken to deal with the same.

It appears from the submission made on behalf of both the parties and on perusal of the materials on record that the construction in question has already been held to be illegal and unauthorised. The Municipality is duty bound to deal with such unauthorised construction in accordance with law.

Merely issuing a stop work notice and an observation that the construction is illegal will not serve the purpose. The unauthorised construction is liable to be demolished.

In view of the above, the Uluberia Municipality is directed to take necessary steps to deal with such unauthorised construction in accordance with law after giving a reasonable opportunity of hearing to all the necessary parties.

The Municipality shall ensure that the proceeding to deal with such unauthorised construction is concluded at the earliest but positively within a period of twelve weeks from the date of communication of this order.

It will be open for the Municipality to seek necessary police assistance at the time of implementation of the order of demolition, if any.

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.)