

09
06.12.2023
Court No. 24
AGM

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

WPA 16277 of 2023

**Sri Mrinal Kanti Das
-versus-
The State of West Bengal & Ors.**

**Mr. Prantick Ghosh
Mr. Prasad Bhattacharyya
... For the petitioner.**

**Mr. Anand Farmania
Mr. Supriya Majumdar
... For the State.**

**Mr. Supriyo Roy Chowdhury
Mr. Sankar Ghosh
... For the Barasat Municipality.**

The petitioner alleges that a construction akin to a mandir has been made over his private plot of land without obtaining any sanction from the Barasat Municipality.

Further allegation is that the local councilor has forcefully inserted and installed a deep tube well over the private land of the petitioner.

The petitioner seeks removal of the unauthorised construction and the tube well.

Learned advocate representing the Barasat Municipality has produced a site inspection report signed on 10th November, 2023 by one Sumanta Bandyopadhyay reported to be the staff of the municipality and Tamal Das, O.C. Building, Barasat Municipality. The inspection was conducted on 20th July, 2023.

The report mentions that an existing mandir was constructed over the holding no. 1430 Manasha Tala

Road, Ward No. 11 (New) without taking any consent from the owner and without any prior approval from the Municipality. It was also detected that a deep tube well has been inserted by the local councilor for public interest.

At the time of inspection, additional construction was noticed to be going on adjacent to the existing mandir. The construction was upto the roof level with column structures but the roof was not yet casted. Notice to stop construction could not be served as none was found at the site.

The municipality consulted its records and has found that the petitioner mutated his name in respect of the aforesaid land on 30th January, 2012 and paid taxes regularly and has also obtained sanction for construction of a single storied building on 31st August, 2012. The petitioner did not construct the building till the date of inspection.

As it appears from the report filed by the municipality that unauthorised construction has been detected, accordingly, the municipality is directed to take steps under Section 218 of the West Bengal Municipal Act, 1993 to deal with the unauthorised construction.

Proceeding under the aforesaid provision shall be concluded at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The municipality shall also take steps for removal of the deep tube well from the private land of the petitioner within the time as specified hereinabove.

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.)