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25.09.2023
d.p.

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

W.P.A 16722 of 2022

**Sarojani Pandey
-versus-
The State of West Bengal & Ors.**

**Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal,
Ms. Poulami Chakraborty.
...For the Petitioner.**

**Ms. Kakali Samajpaty,
Ms. Kakali Naskar.
...For the State.**

**Mr. Sayan Sinha,
Mr. Soham Kumar.
...For the Municipality.**

**Mr. Sounak Bhattacharyya,
Mr. Sounak Mandal,
Mr. Anirban Saha Roy.
...For the Respondent No.6.**

The petitioner alleges illegal and unauthorized construction at the instance of the respondent No.6.

After filing of the writ petition on 14th July, 2023, it came to light that the private respondent expired on 20th June, 2022.

The petitioner has filed a supplementary affidavit seeking addition of the heirs and the legal representatives as party respondents.

The prayer of the petitioner for adding the heirs of the deceased respondent by way of supplementary

affidavit is opposed by the learned advocate appearing for the heirs of the deceased respondent.

The Court does not approve the manner in which the heirs have been sought to be impleaded as respondents in the instant writ petition. The addition ought not to have been sought to be done by way of supplementary affidavit.

Keeping in mind that the issue relates to unauthorized construction which the petitioner alleges to be going on at a very fast pace, as such, without going into the technicalities of the addition of party, the Court permits the learned advocate appearing for the petitioner to implead the heirs of the deceased respondent as party respondents in the instant writ petition.

Leave is granted to the learned advocate appearing for the heir of the deceased respondent to file vakalatnama in the department in respect of one Md. Maansur Ali Naskar.

In view of the order that I propose to pass, non-appearing respondents will be prejudiced if the writ petition is disposed of in the following manner.

The Baruipur Municipality is directed to cause fresh spot inspection upon prior notice to all the parties including the petitioner and all the heirs of the deceased Md. Maansur Ali Naskar.

At the time of spot inspection, the nature and extent of the unauthorized construction shall be taken note of.

If it appears that unauthorized construction exists, then necessary consequential steps shall be taken to deal with the same in accordance with law.

Steps shall be taken in the matter at the earliest, but positively within a period of eight weeks from the date of communication of this order.

Learned advocate appearing for the petitioner is directed to supply the names and addresses of the heirs and legal representatives of the deceased respondent no.6 to the learned advocate representing the Municipality.

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.)