

08.02.2023
Item No.51(M/L)
Crt. No.24.
KB

W.P.A. 18779 of 2021

**Jaydev Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Allen Felix
Mr. Subhasis Bandyopadhyay
... For the Municipality.
Mr. Kapil Guha
... For the State.

The petitioner complains of illegal and unauthorised construction at the behest of the private respondent nos. 7 & 8.

A stop work notice was issued by the Municipality in November, 2021.

The petitioner alleges that since thereafter no steps have been taken by the Burdwan Municipality to demolish such unauthorised construction.

None appears on behalf of the respondent nos. 7 & 8.

Leave granted to the Learned Advocate on Record of the petitioner to file affidavit of service in course of the day.

Learned Advocate representing the Municipality submits that steps shall be taken to deal with the unauthorised construction, if any.

The State is represented.

Upon hearing the submissions made on behalf of the parties, it appears that the Municipality issued stop work notice in November, 2021 but thereafter did not take any further steps against the construction which is alleged to be made in an unauthorised manner.

In view of the above, the instant writ petition is disposed of by directing the Burdwan Municipality to take necessary steps to inspect the property in question upon prior notice to all the parties to ascertain as to whether any unauthorised construction has been made or not.

Copy of the inspection report shall be circulated amongst the parties.

A hearing shall be conducted and if it ultimately transpires that the construction has been made either in deviation of the plan sanctioned or without a sanction plan, then necessary steps shall be taken to demolish such unauthorised construction in accordance with law.

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

Learned advocate for the petitioner is directed to forward a copy of the notice issued by the Executive Officer, Burdwan Municipality on 18th November, 2021 and the legal representation filed on behalf of the petitioner on 22nd November, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

Writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Amrita Sinha, J.)