

Item No.68

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

08.02.2023
Ct-24

WPA 19571 of 2021
Ranjit Khan @ Ranajit Khan
v.
The Burdwan Municipality & Ors.

Mr. Rajarshi Halder
Mr. Chirantan Sarkar
Mr. Niraj Kumar Singh
... for the petitioner.

None appears on behalf of the respondents.

Affidavit-of-service filed in Court today is taken on record.

The grievance of the petitioner is that the proceeding initiated under Section 218 of the West Bengal Municipal Act, 1993 by the Burdwan Municipality in February 2020 has not been disposed of till date.

It appears from a communication made by the Executive Officer, Burdwan Municipality addressed to the private respondent no. 5 that site inspection revealed illegal covered area and cantilever varandah. The private respondent was directed to show cause as to why the demolition proceeding under Section 218 of the Act shall not be drawn against him for making unauthorized construction in violation of the sanctioned plan by ignoring the stop work notice.

The petitioner thereafter filed representation before the Municipality seeking demolition of the illegal

construction. The said representation is yet to be disposed of.

From the documents annexed to the writ petition it appears that the Municipality has come to a conclusive finding that there has been unauthorized construction. The Municipality is required to take steps to deal with such unauthorized construction in accordance with law.

In view of the above, the instant writ petition is disposed of by directing the Burdwan Municipality to take steps against the illegal and unauthorized construction made at the instance of the respondent no. 5 in accordance with law, at the earliest and endeavour to conclude the proceeding positively within a period of twelve weeks from the date of communication of a copy of this order.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

Learned advocate for the petitioner is directed to forward a copy of the communication dated February 26, 2020 and June 25, 2020 by the Executive Officer, Burdwan Municipality and copy of the representation dated April 8, 2021 submitted by the petitioner before the Municipality to the aforesaid respondent at the time of communicating the order of the Court.

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.

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(Amrita Sinha, J.)