

W.P.A. 17161 of 2015

**Ramesh Kayal
Vs.
The State of West Bengal & Ors.**

Ms. Pampa De (Dhabal)

....for the petitioner

Mr. R.N. Chakraborty
Mr. M. Ahmed

...for the Municipality

The writ petition is heard in presence of the learned advocates representing the petitioner and Mahestala Municipality. However, respondent no. 6 remains unrepresented.

Pursuant to the order dated 18th May, 2023 report dated 21st June, 2023 of Sub-Assistant Engineer, Mahestala Municipality is placed before this Court which is taken on record.

On perusal of such report it appears that there has been an encroachment made by the respondent no. 6 on stretch of land measuring 15'-0" and it has also been disclosed in the said report that landed properties of the petitioner and the respondent no. 6 are contiguous.

Having considered the contents of the report dated 21st June, 2023 the concerned authority of Mahestala Municipality is directed to initiate the proceeding under Section 218 of the West Bengal Municipal Act, 1993 within a period of 2 (two) weeks from the date of

communication of this order and conclude the said proceeding within 12 (twelve) weeks thereafter. Before bringing the said proceeding into logical conclusion the concerned authority of the municipality is directed to grant an opportunity of hearing to the petitioner and the respondent no. 6 and shall pass final order which is to be communicated to the parties within 1 (one) week thereafter.

The municipality shall also be at liberty to call for a report from the concerned BL&LRO for deciding the issue. If the concerned BL&LRO is approached by the municipality before conclusion of the aforesaid proceeding the said BL&LRO shall cooperate with the municipality in order to facilitate the municipality to conclude the proceeding within the aforesaid time as fixed by this Court.

Accordingly, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)