

01. 24.08.2023
bd. Ct.15

W.P.A. 18491 of 2018

Bitasta Chakraborty

-vs-

The State of West Bengal & Ors.

Mr. Sujit Bhunia ... for the petitioner.

Mr. Abhinaba Chatterjee ... for the respondent
nos. 11 to 14

Mr. Sujoy Bandopadhyay
Mr. Pradipta Siddhanta ... for the Municipality.

The writ petition is taken up for consideration pursuant to the order dated 14th August, 2023 in presence of the learned advocates representing the petitioner, respondent nos. 11 to 14 as well as Midnapore Municipality.

It has been submitted by the learned advocate representing respondent nos. 11 to 14 that respondent no. 11 has died.

Learned advocate representing the petitioner submits that respondent nos. 11 to 14 are involved in carrying out illegal constructions beyond the sanctioned plan issued in their favour at R.S. Plot No. 87(P) and 88(P), J.L.No.171, Mouza- Keranitola in Ward No. 6(Old No. 22) of Midnapur Municipality. The notice of this Court has been drawn to one stop work notice issued on 2nd April, 2018 by the Chairman, Midnapur Municipality addressed to respondent no. 14 directing him not to make further construction on receipt of letter failing which appropriate legal action would be taken against him in accordance with law. But subsequently vide

memo dated 13th April, 2018 said stop work notice was withdrawn and respondent no. 14 was permitted to construct as per sanctioned building plan being P.W. NO. 572 dated 13th March, 2018.

Petitioner complains of unauthorised construction in deviation of the sanctioned plan issued in favour of the private respondents.

In view of aforesaid facts this Court directs the concerned authority of Midnapur Municipality to initiate proceeding under section 218 of the West Bengal Municipal Act, 1993 within a period of two weeks from the date of communication of this order and conclude such proceeding within a period of 12 weeks thereafter upon granting opportunity of hearing to the petitioner and private respondents.

Since it has been submitted on behalf of the private respondents that respondent nos. 11 has died the learned advocate of the deceased respondent no. 11 is directed to inform the particulars of heirs of respondent no. 11 to the Chairman of Midnapur Municipality within seven days from date. If particulars of heirs of respondent no. 11 are supplied to the Chairman of the concerned municipality, the Chairman is directed to take steps so that heirs of respondent no. 11 may get opportunity to deliberate before the concerned authority of the municipality before passing final order in connection with the proceeding to be initiated under section 218.

The decision to be taken by the concerned

authority of the municipality shall be supplied to the parties within two weeks thereafter.

With the aforesaid direction 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.)