

Item No.10

18.12.2023
Ct-24
AGM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20583 of 2023

Sri Chandan Sharma

v.

Asansol Municipal Corporation & Ors.

Mr. Srijib Chakraborty

Mr. Aditya Mondal

Ms. Susmita Saha.

... for the petitioner.

Mr. Sounak Bhattacharya

... for the Municipality.

Mr. Ranajit Chatterjee

Mr. Soumik Dey

... For the State.

Mr. Biswajit Konar

Ms. Prajaani Das

... for the private respondent.

The petitioner complains of illegal and unauthorised construction at the behest of the private respondent. In response to the complaint lodged by the petitioner, the Asansol Municipal Corporation issued a stop work notice upon the private respondent with further direction to show cause under Section 266 (1) of the West Bengal Municipal Corporation Act, 2006.

The petitioner prays for a direction upon the Corporation to conclude the proceeding that has been initiated.

Learned advocate representing the private respondent submits that no unauthorised construction

has been made and the construction in question is in accordance with plan sanctioned by the Corporation.

The Corporation submits that application was made online for sanction of the plan. The Corporation without knowing the fact that the property in question was an undivided one sanctioned the construction plan. After getting knowledge of the fact that the land in question was an undivided one, the stop work notice has been issued. The structure was thereafter inspected and deviation was found.

On hearing the submissions made on behalf of all the parties and upon perusal of the materials on record it appears that the Corporation has already initiated proceeding under Section 266 of the Act. The Corporation is required to conclude the proceeding in accordance with law and not keep the same pending for an indefinite period of time.

In view of the above, the instant writ petition is disposed of by directing the Corporation to conclude the proceeding that has been initiated to deal with the unauthorised construction in accordance with law but positively within a period of twelve weeks from the date of communication of this order.

The parties shall be afforded reasonable opportunity of hearing to produce documents in support of their stand. Reasoned order shall be passed by the Corporation and communicated to the parties.

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.)