

Item No. 12

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.01.2023
Ct-24

WPA 21843 of 2022
Jawaharlal Bhattacharjee

v.

The Kanchrapara Municipality & Ors.

Mr. Sabyasachi Mukherjee
Ms. Jayeta Mitra
Ms. Debarati Choudhury
Mr. Mukesh Khanna
Mr. Bibek Bey
Mr. Shyed Neaz Ahmed
... for the petitioner.

Mr. Shibaji Kumar Das
Mr. Pradyut Kundu
Mr. Ahshan Ahmed
... for the respondent nos. 1 to 7.

The petitioner complains of certain illegal constructions being made at a particular place. As the address where the unauthorized construction is alleged to be made could not be identified, accordingly, the Court directed a spot inspection to be conducted and the petitioner was directed to remain personally present to identify the alleged unauthorized construction.

On December 23, 2022 spot inspection was duly conducted upon prior notice to the parties. The property which the petitioner identified is 60, Lenin Sarani (East) within Ward No. 6 and the names of the assesses of the said holding is Batloon Bibi, Sambhunath Chakraborty and others.

The recorded assesses of the alleged unauthorized construction are not impleaded as party respondents in the present writ petition. No formal complaint alleging

unauthorized construction at holding no. 60, Lenin Sarani (East) was filed by the petitioner.

In view of the above, leave is granted to the petitioner to file appropriate objection giving details of the unauthorized construction at holding no. 60, Lenin Sarani (East).

In the event such an objection is filed by the petitioner, the same shall be taken up for consideration by the Municipality and be decided upon giving prior notice of hearing to all the necessary parties. A formal order shall be passed and communicated to the parties.

If it ultimately transpires that there is any unauthorized construction at the subject premises, necessary steps shall be taken by the Municipality to deal with the same, in accordance with law.

The writ petition stands disposed of.

Report filed by Kanchrapara Municipality dated January 3, 2023 is taken on record.

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.)