

Item No 28.03
22 2023
Ct No 24
AGM

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 21863 of 2022

**Mrs. Chhabi Sengupta
Vs
The State of West Bengal & Ors.**

Mr. Sarthak Chowdhury,
Ms. Antara Das, ... For the petitioner.

Ms. Sima Adhikary,
Ms. Mitali Mukherjee,
... For the State.

Mr. Soumya Banerjee,
Ms. S. Banerjee, ... For the respondent No. 2.

The petitioner complains that the private respondents are guilty of making unauthorised construction in such a manner that the same is blocking the air and light of the petitioner's premises and causing nuisance.

It appears from the documents annexed to the writ petition that there is no specific objection made before the Municipality highlighting the issue of unauthorised construction resulting in nuisance.

The petitioner has alleged nuisance but the issue of unauthorised construction, which is the source of nuisance, has not been highlighted before the authority.

In the absence of proper objection the Municipality did not act in response to the representation filed by the petitioner.

The instant writ petition is accordingly disposed of

by granting opportunity to the petitioner to file appropriate objection before the Municipality highlighting the illegalities allegedly committed by the private respondents.

In that event such representation is made, the same shall be considered by the Municipality in accordance with law, upon giving reasonable opportunity of hearing to all the necessary parties.

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

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.)