

Item No. 36

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

20.11.2023
Ct-24

WPA 21555 of 2023
Nandadulal Ghosh

v.

State of West Bengal & Ors.

Mr. Sounak Bhattacharya
Mr. Chandra Nath Sarkar
... for the petitioner.

Mr. Lakshminath Bhattacharyya
... for the respondent no. 7.

The petitioner raises allegation of unauthorized construction at the behest of the private respondent. The objection filed by the petitioner was taken up for consideration by the Municipality and hearing was afforded to the parties in March 2021 and thereafter on January 31, 2023. The Municipality is yet to pass final order in the matter.

Learned advocate representing the private respondent no. 7 submits, upon instruction that, the petitioner himself is guilty of raising construction without leaving the mandatory side open spaces. Presently, when the private respondent is raising construction in accordance with the Government Scheme and upon funds made available by the Government, the petitioner is objecting to the same.

None represents the Jaynagar-Majilpur Municipality.

Affidavit-of-service filed in Court today is taken on record.

As it appears that the objection filed by the petitioner was taken up for consideration by the Municipality, accordingly, it is incumbent for the Municipality to dispose of the same by passing a reasoned order.

To ascertain the allegation of unauthorized construction, the Municipality is directed to cause spot inspection upon prior notice to all the necessary parties and thereafter take a decision with regard to the objection alleging unauthorized construction.

Spot inspection report shall be forwarded to the parties and further hearing be conducted and the matter shall be disposed of by the Municipality at the earliest but positively within a period of twelve weeks from the date of communication of this order.

It will be open for all the parties to rely upon all documents in support of their respective stand at the time of hearing.

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.

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(Amrita Sinha, J.)