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20.11.2023
Court No. 24
AGM

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

W.P.A 22033 of 2023

**Ansar Ali Tarafdar
-versus-
Bidhannagar Municipal Corporation & Ors.**

**Mr. Sanjay Saha
...For the Petitioner.**

**Mr. Sirsanya Bandopadhyay
Mr. Thirthankar Dey
Mr. Arka Kumar Nag
...For the B.M.C.**

**Mr. Anirban Das
Mr. Sarbananda Sanyal
Ms. Poulami Chakraborty
... For the Private Respondent.**

The petitioner alleges illegal and unauthorised construction at the behest of the private respondent over a portion of the plot no. 375, Khatian No. 2541.

The petitioner alleges that construction is being made without obtaining any sanction from the Bidhannagar Municipal Corporation (BMC).

In response to the complaint lodged by the petitioner, the BMC issued a stop work notice in July 2023 with a direction upon the private respondent to produce valid documents in support of the construction made.

It has been submitted that after issuance of the stop work notice, the private respondent, temporarily, refrained from making any construction work but, recently, the construction has restarted.

Learned advocate representing the private respondent denies the allegation of the petitioner. It has been submitted that no construction work is carried out by the private respondent. The tin shed construction exists till date.

It has further been submitted that a Title Suit in between the parties is pending consideration before the learned Court below.

Learned advocate representing the BMC submits, upon instruction that, in response to the stop work notice the private respondent submitted a compilation of documents. The same has been perused and the Corporation is of the prima facie opinion that the dispute is with regard to the title of the property.

It appears from the submissions made on behalf of all the parties that the Corporation is yet to inspect the property to ascertain the veracity of the allegation of unauthorised construction.

In view of the above, the instant writ petition is disposed of by directing the BMC to cause a spot inspection upon prior notice to all the necessary parties at the earliest but positively by 8th December, 2023.

The report of spot inspection shall be forwarded to all the parties. Thereafter an opportunity of hearing shall be granted to the parties for production of

necessary documents in support of their respective construction.

If it ultimately transpires that any construction has been made without any sanction or in deviation of the plan sanctioned, necessary steps shall be taken to deal with the same in accordance with law.

Objection shall be finally decided by passing a reasoned order positively within a period of two months from the date of forwarding the spot inspection report.

During pendency of the issue before the Corporation, steps shall be taken by BMC to ensure that unauthorised construction in any manner whatsoever is not carried on at the subject premises.

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.)