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16.01.2023
d.p.

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

W.P.A 22822 of 2022

**Projesh Kanti Mazumder
-versus
The State of West Bengal & Ors.**

**Mr. Anindya Halder.
...For the Petitioner.**

**Mr. Sandipan Banerjee,
Mr. Ankit Sureka,
Mr. Sobhan Majumder.
...For HMC.**

**Mr. Pinaki Ranjan Chakraborty.
...For the Private Respondents.**

**Mr. Ayan Banerjee,
Ms. Debasree Dhamali.
...For the Bally Municipality.**

**Mr. Sk. Mujibar Rahman,
Mr. Atarul Hoque Mollah.
...For the State.**

A report has been filed by the Sub-Assistant Engineer, Bally Municipality signed on 11th January, 2023 wherefrom it appears that additional floors have been constructed at 4/1/A, Ramlochan Shire Street.

Notice under Section 220(1) of the West Bengal Municipal Act, 1993 was served upon the developer on 18th July, 2022.

It appears that the Municipality is yet to take remedial measures to deal with the unauthorized floors.

The allegation of the petitioner that the land in question is recorded as 'Pukur' shall also be taken into consideration at the time of taking remedial measures in the matter.

As the plan in question was sanctioned by the Howrah Municipal Corporation being BRC No. 29 of 20-21, accordingly, the Bally Municipality shall call for the records from the Howrah Municipal Corporation to ascertain the nature of land over which the construction has been made.

The instant writ petition is disposed of directing the Bally Municipality to take prompt necessary steps to deal with the unauthorized construction in accordance with law, after giving an opportunity of hearing to all the necessary parties.

The Municipality shall ensure that the proceeding to deal with the unauthorized construction is concluded at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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.)