

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

W.P.A 23681 of 2023

**Vivekananda Bera
-versus
State of West Bengal & Ors.**

**Ms. Malyasree Maity
...For the Petitioner.**

**Mr. Soumen Dutta
Mr. Amal Krishna Samanta
...For the private respondents Nos.
6 to 10.**

**Mr. Anand Farmania
Mr. Manoj Kumar Mondal
... For the State.**

The petitioner complains that the private respondents are making construction on the basis of the sanctioned plan which was obtained fraudulently.

Submission is that polluted water is being discharged by the private respondents in the water body for which the fishes and other living organisms of the water body are dying.

Complaint was lodged by the petitioner before the Tamralipta Municipality but the same has not been considered.

Learned advocate representing the private respondents submits, upon instruction that, the construction is being made in accordance with the plan sanctioned by the Municipality.

None represents the Municipality.

Affidavit-of-service filed in Court today be kept with the records.

As it appears that the complaint filed by the petitioner is pending consideration at the end of the municipality, accordingly, the municipality ought to ascertain proper facts to decide the issue.

The municipality is, accordingly, directed to cause a spot inspection to ascertain the genuinity of the allegations of the petitioner. Spot inspection shall be conducted upon prior notice to all the parties at the earliest but positively by 15th December, 2023. Report of spot inspection shall be circulated amongst all the parties. After circulation of the spot inspection report, reasonable opportunity of hearing shall be given to all the parties.

At the time of spot inspection, the municipality shall enquire and ascertain as to whether any polluted water is discharged in the water body of the petitioner. If it appears that the allegation of the petitioner is correct, then necessary remedial steps shall be taken by the municipality at once.

The Board of Councilors, Tamralipta Municipality shall consider and decide the complaints filed by the petitioner on 17.01.2023, 22.05.2023 and 17.06.2023 at the earliest but positively within a period of sixty days from the date of circulation of the spot inspection report.

During pendency of the consideration of the representations filed by the petitioner, the municipality shall ensure that no unauthorised construction is made at the subject premises.

All the parties will be at liberty to produce all documents in support of their respective stand at the time of hearing.

Learned advocate for the petitioner is directed to forward the aforesaid representations to the

respondents at the time of communicating the order of the Court.

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.)