

31. 07.08.2023
bd. Ct.15

W.P.A. 23391 of 2018

Mosaraf Molla @ Mosaraf Hosssain Molla

-vs-

The State of West Bengal & Ors.

Mr. Duke Banerjee ... for the petitioner

Mr. Debdutta Basu

Mr. Tarun kanti Hazra ... for the respondent no.7

Mr. Habibur Rahaman ... for the respondent no.3

Pursuant to the previous direction passed by this Court a report in the form of an affidavit affirmed on behalf of Jaynagar-Mojilpur Municipality on 3rd August, 2023 has been placed before this Court which is taken on record.

In the report it has been disclosed that respondent no. 7 has made a construction of his shop without obtaining any sanctioned plan from the concerned authority of the municipality.

Today matter is taken up for consideration in presence of the learned advocates representing the petitioner, respondent no. 7 and Jaynagar-Mojilpur Municipality.

Having seen the contents of the report of the Municipality it appears that appropriate direction needs to be given upon the concerned authority of Jaynagar-Mojilpur Municipality to initiate a proceeding under section 218 of the West Bengal Municipal Act, 1993.

Accordingly, the concerned authority of Jaynagar-Mojilpur municipality is directed to initiate a proceeding under section 218 and conclude the same within 16 weeks from the date of communication of this order passed by this court today. However, it is made clear that before concluding the proceeding opportunity of hearing shall be accorded to the petitioner and respondent no. 7 or their representatives. The decision to be taken on conclusion of the aforesaid proceeding shall be communicated to the parties within one week thereafter.

With the aforesaid direction the writ petition stands disposed of.

There shall be no order as to costs.

Since no affidavit is called for the allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)