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02.01.2023
d.p.

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

W.P.A. 25928 of 2022

**Sri Debesh Chandra Ghosh Ray
-versus
The State of West Bengal & Ors.**

**Ms. Manali Biswas.
...For the Petitioner.**

**Mr. Arindam Das.
...For the Municipality.**

**Ms. Piyali Sengupta,
Ms. Rupsha Chakraborty.
...For the State.**

**Mr. K.Mondal,
Md. G.N. Imrohi.
...For the Respondent
Nos. 8 and 9.**

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

The petitioner complains of illegal and unauthorized construction at the instance of the private respondents at 41/38/5, Nirupama Debi Road, P.S.-Berhampore, District-Murshidabad.

The petitioner submits that the objection filed against such unauthorized construction has not been taken up for consideration by the Berhampore Municipality.

Learned advocate appearing for the private respondents denies the allegation of the petitioner.

It has been submitted that the construction work has been made in accordance with the plan sanctioned and the permission granted by the Berhampore Municipality.

Learned advocate appearing for the Municipality submits that an inspection was conducted by the Municipality but the same was without giving any notice to the parties.

To resolve the issue, the Berhampore Municipality is directed to conduct fresh spot inspection upon prior notice to both the parties. The inspection report shall be served upon both the parties.

In the event it transpires that there is any unauthorized construction, then necessary steps shall be taken by the Municipality to deal with the same in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties.

The fate of the hearing shall be communicated to the parties immediately thereafter.

The entire exercise shall be conducted 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.)