

W.P.A. 28716 of 2015

**Kazi Rafik Ahmed & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Alok Ghosh
Mr. Haridas Das
...for the petitioner

Mr. Gobinda Chandra Bandopadhyay
...for Uluberia Municipality

Mr. Soumya Banerjee
Mr. Saktimay Ger
Ms. Sucheta Banerjee
...for the respondent no. 9

Mr. Arindam Sen
Mr. Sagnik Bhattacharya
..for the respondent no. 10

Today, at the time of hearing of this matter the learned advocate representing Uluberia Municipality has filed report in the form of affidavit affirmed on 9th August, 2023 which is taken on record.

Apart from Uluberia Municipality, petitioners, respondent nos. 9 and 10 are represented by learned advocates.

Petitioners complained of unauthorized construction by the respondent no. 9 at Dag nos. LR 341 and 340 under Mouza-Latibpur under Uluberia Municipality for housing a nursing home.

On perusal of paragraph 6 of the report filed today as well as the inspection report dated 6th July, 2023

which is at page 6 of the said affidavit, it appears that the municipality has found certain deviations made by the respondent no. 9 while making construction. It has also been averred in the report in the form of affidavit that though the respondent no. 9 had purchased a plot contiguous to the existing plot where construction has been made but there is no formal decision taken by the concerned authority of the municipality for amalgamation.

However, learned advocate representing the respondent no. 9 has disputed the findings as contained in the report of the municipality relating to deviation made while making construction.

In view of submissions made on behalf of the parties to this writ petition and taking into consideration the report in the form of affidavit filed today, it appears that municipality needs to be directed to take necessary steps.

Accordingly, the concerned authority of Uluberia Municipality is directed to initiate a proceeding under Section 218 of the West Bengal Municipal Act, 1993 within a period of 2 (two) weeks from the date of communication of this order and conclude the same within 12 (twelve) weeks thereafter after granting opportunity of hearing to the petitioners and respondent nos. 9 and 10.

However, it is made clear that before concluding the proceeding opportunity shall be granted to the petitioners as well as respondent nos. 9 and 10 to make deliberation before the concerned authority of the municipality and it will also be open so far petitioners are concerned to rely upon the reports of the municipality which have been placed before this Court in order to substantiate the case of the petitioners. The concerned authority of the municipality is further directed to pass final order within the aforesaid time and communicate the same to the parties within 1 (one) week thereafter.

With the aforesaid directions, the writ petition stands disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)