

**CALCUTTA HIGH COURT IN THE CIRCUIT BENCH
AT JALPAIGURI**

**47 & 48
12.07.2023
adeb**

WPA 1381 of 2023

**Sumita Dutta & Ors.
Vs.
The State of West Bengal & Ors.
with**

WPA 1082 of 2023

**Mita Majumder & Ors.
Vs.
The State of West Bengal & Ors.**

**Mr. Debojit Kundu
...for the petitioner
(in WPA 1381 of 2023)**

**Mr. Subham Bose
Ms. Surovika Das
...for the petitioner
(in WPA 1082 of 2023)**

**Mr. Deborshi Dhar
...for the Siliguri Municipality**

**Mr. Subir Kr. Saha
Ms. Bedashruti Bose
...for the State (WPA 1381 of 2023)**

**Mr. Subham Bose
Ms. Surovika Das
...for the respondent nos. 8 to 11
(in WPA 1381 of 2023)**

Pursuant to the order dated 6th July, 2023 the writ petition being WPA 1082 of 2023 is placed on record and both the writ petitions are taken up for hearing analogously. Writ petitioners in both the writ petitions are represented by learned advocates. Siliguri Municipal Corporation is also represented by learned advocate. Matter is heard.

Pursuant to the order dated 2nd May, 2023 passed by a coordinate Bench on the writ petition being WPA 1082 of 2023 a report has been filed on behalf of Siliguri Municipal Corporation signed by three authorities on 20th May, 2023 which is taken on record.

On perusal of said report it appears that Siliguri Municipal Corporation has found certain construction made by the petitioners in WPA 1082 of 2023 as unauthorized. However, at this stage Court is restraining itself from delving into the nature of constructions made by the petitioners in WPA 1082 of 2023.

Since the allegation has been made by the petitioners in WPA 1381 of 2023 against the petitioners in WPA 1082 of 2023 that without any sanctioned plan or permission construction has been made by the petitioners in WPA 1082 of 2023 this Court finds it apt to direct the concerned authority of Siliguri Municipal Corporation to initiate a proceeding under Section 287 of the West Bengal Municipal Act, 2006 and bring the same into logical conclusion within a period of 16 weeks from the date of communication of this order.

However, it is made clear before concluding the proceeding due opportunity of hearing should be

granted to the petitioners in WPA 1082 of 2023 and WPA 1381 of 2023.

Decision to be taken by the concerned authority of Siliguri Municipal Corporation on conclusion of the aforesaid proceeding shall be communicated to the parties within 1 week thereafter.

With the aforesaid direction both the writ petitions stand 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.)