

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

**38
07.07.2023
adeb**

WPA 1270 of 2023

**Pramanda Paul @ Pramananda Paul
Vs.
Siliguri Municipal Corporation & Ors.**

**Mr. Dhiraj Lakhotia
...for the petitioner**

**Mr. Deborshi Dhar
...for the Siliguri Municipal Corporation**

**Mr. Suresh Kr. Mitruka
Mr. Mantosh Bhowmick**

....for the respondent no. 4

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

Writ petition is taken up for consideration in presence of the learned advocates representing the petitioner, Siliguri Municipal Corporation and respondent no. 4. However, service upon the respondent no. 5 is not complete.

Primarily the grievance of the petitioner is non consideration of his complaint lodged against the private respondents before the concerned authority of Siliguri Municipal Corporation relating to erection of unauthorized construction. From perusal of the writ petition it appears that on 7th October, 2021 petitioner made a complaint addressed to the Commissioner, Siliguri Municipal Corporation for taking necessary steps.

The learned advocate representing the corporation submits that if appropriate direction is given by this Court the concerned authority of the corporation shall take final decision on the complaint lodged by the petitioner.

Respondent no. 4 is represented by learned advocate who strenuously opposed the prayer of the petitioner on the score that the respondent no. 4 also made communication addressed to the Commissioner, Siliguri Municipal Corporation clarifying the position relating to construction made by the private respondents and based on such communication it has been submitted by respondent no. 4 that a proceeding was initiated by the concerned authority of the corporation but no final order could be passed in view of the explanation offered on behalf of respondent no. 4. According to the respondent no. 4 the steps taken by the petitioner is mala fide and ought not to be considered for giving necessary direction.

This Court has heard the learned advocates representing the parties and finds that a complaint has been lodged by the petitioner against the private respondents alleging unauthorized construction but on such complaint no action has been taken by the concerned authority of the corporation.

Though effort has been made on behalf of respondent no. 4 to satisfy the Court that no proceeding is required to be initiated under Section

287 of the West Bengal Municipal Corporation Act, 2006.

However, this Court is of the view that since a complaint has been lodged alleging unauthorized construction against the private respondents the concerned authority of corporation is required to initiate proceeding under the relevant provisions of the statute. Let such proceeding be initiated and be brought to the logical conclusion within a period of 16 (sixteen) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and respondent nos. 4 and 5. The final decision to be taken by the concerned authority of the corporation shall be communicated to the parties within 1 week thereafter.

With aforesaid direction, 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.)