

Item No. ML. 126

In the High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

29.04.2024  
Ct-24  
AGM

WPA 610 of 2024

Sekh Jiar Mohammad & Anr.

v.

The State of West Bengal & Ors.

Mr. Mohinoor Rahaman.

Mr. Iqra Rahaman.

... for the petitioners.

Mr. Uttiya Ray.

Mr. Arnab Mandal.

... For the respondent nos. 5 & 6.

The petitioners complain of illegal and unauthorised construction.

It appears that an earlier writ petition was filed by the petitioners and an order was passed on 23<sup>rd</sup> September, 2022 in WPA 16170 of 2022 directing the Municipality to consider the representation filed by the petitioners.

The issue was taken up for consideration by the Burdwan Municipality and by an order dated 27<sup>th</sup> February, 2023 signed by the Chairman for and on behalf of Board of Councilors of Burdwan Municipality on 14<sup>th</sup> March, 2023, a direction was passed upon the Assistant Engineer of the Municipality to inspect the site and report in details and to take appropriate steps, if any unauthorised construction is found.

The petitioners complain that till today no steps have been taken in terms of the direction passed by the Municipality.

As it appears that the Assistant Engineer of the Burdwan Municipality was directed to re inspect the site and submit report in details but the same has not been done, accordingly, the Chairman of the Burdwan Municipality is directed to ensure that the direction passed in the order dated 27<sup>th</sup> February, 2023 is strictly acted upon.

A site inspection shall be conducted upon prior notice to the parties and thereafter further opportunity of hearing shall be granted.

If ultimately unauthorised construction is detected, necessary consequential steps shall be taken in accordance with law.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication 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.)**