

04.11.2024
Sl. No.A 22
Ct. No.15
S.A.

WPA 3185 of 2024

Ali Ahammad Khan

-vs-

The State of West Bengal & Ors.

Mr. Pradip Kumar Kundu

...for the petitioner

Mr. Jyoti P. Chatterjee

Mr. Md. M. Nazar Chowdhury

...for the State

Ms. Mohana Das

...for the Municipality

Mr. Maidul Islam Kayal

Mr. Sumit Naskar

...for respondent no.7

The petitioner submits that respondent nos.6 and 7 have undertaken an unauthorised construction at Akra Boganowapara, Khan Para, near Sub-Centre, Ward No.21, P.S. Maheshtala, District South 24 Parganas, Kolkata-700141.

In this petition, a Co-ordinate Bench of this Court on May 22, 2024, passed the following order :-

“The Executive Officer of Maheshtala Municipality forwarded a communication to the petitioner intimating that a physical spot inspection will be held on 20th May, 2024. A hearing has been fixed before the Board of Councillors today, that is, 22nd May, 2024.

Learned advocate representing the petitioner submits that the physical inspection did take place.

Learned advocate for the Municipality submits that unauthorized construction has been detected at the time of physical inspection and the matter has been placed before the Board of Councillors for passing necessary orders. Prayer has been made to adjourn the matter till after the summer vacation for preparation of the report by the Municipality.

On such prayer, let a report by the Municipality be prepared and circulated by 14th June, 2024.

The matter is made returnable on 20th June, 2024.”

Today, learned advocate appearing for the petitioner submits that the Board of Councillors of Maheshtala Municipality have failed to take any decision regarding the unauthorised construction.

Learned advocate appearing for respondent no.7 could not produce any sanctioned plan before this Court to justify the impugned construction. He, however, submits that the construction is at the base level.

Such contention is disputed by the learned advocate appearing for the petitioner.

An adjournment is sought on behalf of Maheshtala Municipality.

I am not inclined to keep this writ petition pending.

Accordingly, I dispose of this writ petition giving direction upon Maheshtala Municipality to demolish the relevant unauthorised construction in accordance with law and complete the same within a period of three months from the date of communication of this order.

Accordingly, **WPA 3185 of 2024** is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)