

26-02-2024
Item No.56
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.4240 of 2023
Smt. Shukla Das
-vs-
The State of West Bengal & Ors.

Mr. Soumitra Deb ...for the petitioner

Mr. Ranjit Rajat ...for the State

Mr. Gautam Lahiri ...for the municipality

The petitioner challenges the notice issued by the Chairman of Serampore Municipality for removing the unauthorised construction.

She submits that premises no.18 and 20, N.S. Avenue, Serampore, Hooghly within jurisdiction of Serampore Municipality have been purchased by her. The structures standing at the aforesaid two holdings are extremely old. For the purpose of protection of the roof of the aforesaid two structures, she constructed a roof of iron framed galvanized sheet. The petitioner was unaware that a regular sanction was required to be obtained for setting up the temporary construction of the roof. However, she seeks for regularisation of the said construction.

None represents the respondent no.4, the private respondent.

Learned advocate representing Serampore Municipality submits, upon instructions, that the private respondent has raised objection to the construction made by the petitioner.

It appears from the submission made on behalf of the respective parties that, admittedly, the construction in question has been made by the petitioner. The municipality found the same to be unauthorised and requested the petitioner to remove it.

As the petitioner submits that the said construction has been made for the purpose of protection of her old dilapidated property, accordingly the instant writ petition is disposed of by directing the Chairman of Serampore Municipality to take into consideration the request made by the petitioner seeking regularisation of the iron structure with galvanized sheet, provided the same is permissible in law.

A decision in this regard shall be taken at the earliest, but positively within six weeks from the date of communication of this order.

If the municipality is of the opinion that the construction is not safe, then steps shall be taken within eight weeks from the date of communication of this order.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

