

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 7952 of 2024

**Santu Samanta
-versus
The State of West Bengal & Ors.**

**Mr. Arindam Chakraborty.
...For the Petitioner.**

**Mr. Rudranil De.
Mr. Monoranjan Mahata.
... for the Municipality.**

The petitioner is aggrieved by the notice issued under Section 220 (1) of the West Bengal Municipal Act, 1993 dated 11th March, 2024.

The petitioner submits that construction is being made by him strictly in accordance with the plan sanctioned by the Ashokenagar Kalyangarh Municipality. The petitioner is not aware of the reason as to why the stop work notice has been issued.

Learned advocate representing the Municipality relies upon a report signed by the Chairman of the Municipality on 19th March, 2024 which mentions that the notice has been issued as on inspection it was found that the petitioner was making construction beyond the sanctioned plan. Construction of a wall of 8 feet was found at the time of inspection.

There is no mention in the report that the spot inspection was conducted upon prior notice. Accordingly, the municipality is directed to immediately conduct a spot inspection by 29th March, 2024 upon prior notice to the petitioner.

If at the time of spot inspection any unauthorised construction is detected, the same shall be reflected in the spot inspection report which shall be served upon the petitioner. Thereafter an opportunity of hearing shall be given to the petitioner to defend his case.

If the Municipality is of the considered opinion, after perusal of all the documents, that the unauthorised construction actually exists, then necessary steps to deal with the same shall be taken by the municipality in accordance with law.

The municipality shall conclude the aforesaid positively within a period of four weeks after circulation of the spot inspection report immediately after the inspection is conducted.

The writ petition stands disposed of.

Report dated 19th March, 2024 is taken on record.

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

(Amrita Sinha, J.)