

07
17.05.2024
d.p.

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

W.P.A 9013 of 2024

**Krishnendu Das
-versus
The State of West Bengal & Ors.**

**Ms. Pampa Dey Dhabal,
Ms. Sangita Banerjee.
...For the Petitioner.**

**Mr. Debangana Bhattacharjee,
Mr. Mahiul Islam,
Ms. Swarnali Saha.
...For the Respondent No.8.**

**Mr. Subhas Jana.
...For the Respondent No.7.**

**Ms. Sipra Majumdar,
Ms. Somashree Dey.
...For the State.**

**Mr. Achintya Kumar Banerjee,
Ms. Indumouli Banerjee.
..For the Municipality.**

The petitioner complains of illegal and unauthorized construction at the behest of the respondent no. 8 at holding no. 433/A, Ward No. 19 of the Bishnupur Municipality. Complaint against such unauthorized construction is alleged to be kept pending.

Learned advocate appearing on behalf of the respondent no.7 being the owner of the subject holding submits that a complaint against unauthorized construction was lodged before the Municipality and by communication dated 19th July, 2023, the Chairman of the municipality directed the parties to stop all construction work forthwith under Section 220 of the West Bengal Municipal Act, 1993. The parties were directed to remain present at the spot on 2nd August, 2023 with one amin each for proper ascertainment of the complaint.

Learned advocate appearing on behalf of the respondent no.7 submits that since thereafter there has been no communication from the end of the Municipality.

Learned advocate appearing on behalf of the respondent no.8 admits making construction.

Learned advocate appearing on behalf of the Municipality is yet to receive any instruction.

As it appears that the issue of unauthorized construction is well within the knowledge of the Municipality and the Municipality conducted a spot inspection to ascertain the nature and extent of unauthorized construction, accordingly, the Municipality is directed to forward the spot inspection

report to the parties and thereafter fix a date of hearing and allow the parties to rely upon all documents in support of their respective stand.

If any authorized construction is detected, necessary steps shall be taken by the Municipality to deal with the same in accordance with law.

Decision shall be taken by the Municipality at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate appearing for the petitioner is directed to forward a copy of the objection dated 16th January, 2023 and a copy of the notice of spot enquiry dated 19th July, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

Report filed by the Inspector-in-Charge, Bishunupur Police Station signed on 2nd April, 2024 is taken on record.

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.)