

09.07.2024
Item No. 21
Ct. No. 15
AKG

WPA 8927 of 2024
Asit Kundu & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Subhashis Ghosh	...for the Petitioners
Mr. N. C. Bihani, Mrs. P. B. Bihani	
	...for the Municipality
Mr. Biswajit Sau	
	...for the State

The petitioners allege an unauthorised construction at the behest of respondent no. 5, encroaching a common passage running between the house of the petitioner and that of respondent no. 5.

A stop work notice was issued by the South Dum Dum Municipality on March 22, 2024.

To take follow up action, a further notice was issued upon the petitioners as well as private respondent on June 21, 2024, to attend the hearing on June 28, 2024.

Learned advocate appearing for the petitioner submits that petitioners have not received any such notice.

In the above facts, I am not inclined to keep this writ petition pending and accordingly, I dispose of this writ petition with the following directions:

1. The South Dum Dum Municipality shall inform the next date of hearing to the petitioner as well as respondent no. 5 within a period of seven days from the date of communication of this order.
2. After hearing all the parties, the Board of Councilors of the Municipality shall take necessary steps with regard to the alleged unauthorised construction in accordance with law within a period of two months thereafter.
3. The Municipality shall also ensure in the meantime and no unauthorised construction takes place at the relevant premises.

With the aforesaid observation, **WPA 8927** of **2024** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)