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19-01-2024
Item No.1
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.12262 of 2023
Rabindranath Ghosh @ Kapil Ghosh & Anr.
-vs-
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Mr. Sandipan Das
Mr. Badrul Karim
Ms. Bidisha Das
Mr. Sarajit Roy ...for the petitioner

Mr. Soumya Banerjee
Mr. Basudeb Gayen ...for the municipality

Mr. Dipanjan Datta
Mr. S. Chowdhury ...for respondents no.8 & 9

Learned advocate representing the Baidyabati municipality submits, upon instructions, that date of spot inspection has been fixed on January 24, 2024 at 12 noon to take steps pursuant to the direction passed by this Court in the order dated December 8, 2023.

The parties are directed to cooperate at the time of spot inspection. It will be open for the parties to engage their personal Amins to remain present at the time of spot inspection.

Let the spot inspection report be circulated amongst all the parties. After circulation of the spot inspection report, an opportunity of hearing shall be granted to the necessary parties by the municipality. The municipality shall thereafter take a decision as to whether the construction in question is in accordance with the sanctioned building plan or not.

The aforesaid directions shall be carried out at the earliest and the proceedings shall be positively concluded by March 31, 2024.

The impugned order of the municipality shall be kept in abeyance till a fresh order is passed by it and communicated to all the parties.

Since the petitioners pray for a direction to videograph the entire event of spot inspection, they are at liberty to videograph at their own costs.

WPA No.12262 of 2023 stands disposed of.

All parties are to act on the server copy of this order duly downloaded from official website of this court.

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

[Amrita Sinha, J]

