

Item No.14

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

24.05.2024
Ct-24

WPA 14806 of 2024

Imran Khan & Ors.

v.

The Uluberia Municipality & Ors.

Mr. Subir Sanyal
Mr. Sutirtha Das
Mr. Sourojit Mukherjee
... for the petitioners.

Mr. Gobinda Chandra Bandyopadhyay
... for the Uluberia Municipality.

The petitioners and the private respondent no. 6 are co-possessors of a vested plot of land within Ward No. 22 of the Uluberia Municipality, JL No. 109, Khatian No. 829 and L.R. Dag No. 987, Mouza-Uluberia.

On a complaint lodged by the petitioners the Municipality issued a stop work notice under Section 220 of the West Bengal Municipal Act, 1993 on May 7, 2024.

The petitioners submit that on receipt of the notice to stop construction work, the private respondent did actually stop the construction work, but after a couple of days the construction work has resumed. The petitioners lodged further complaint before the Municipality on May 21, 2024 and seek for a direction upon the Municipality to take steps in response to the complaint lodged.

It appears that copy of the writ petition is yet to be received by the respondent no. 6.

The matter has been moved by taking leave from the Court citing urgency.

Learned advocate representing the Municipality is yet to receive instruction in the matter.

From the documents annexed to the writ petition it appears that the Municipality is aware of the complaint lodged by the petitioners and, accordingly, issued stop work notice on May 7, 2024. The private respondent, defying the stop work notice, resumed the unauthorized construction.

As the Municipality is already in seisin of the matter, accordingly, the writ petition is disposed of by directing the Uluberia Municipality to take further steps pursuant to the issuance of the stop work notice under Section 220 of the Act, 1993.

The Municipality is directed to cause spot inspection upon prior notice to the parties to ascertain the nature and extent of unauthorized construction.

Report of spot inspection shall be circulated and thereafter an opportunity of hearing granted to the parties for production of documents in support of the construction made.

If it ultimately transpires that the construction in question has been made without any sanction, then necessary steps shall be taken to deal with the same in accordance with law.

The Municipality is directed to ensure that no unauthorized construction takes place at the subject premises.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

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

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(Amrita Sinha, J.)