

S/L 4
24.06.2024
Court. No. 551
Suwayan

**WPA 13999 of 2023
(Assigned)**

**Smt. Parbati Shaw
Vs.
The Board of Councillors Chairman in Council, Bhatpara
Municipality & Ors.**

*Mr. Sourav Sen
Ms. Adrisnata Chakraborty*

...for the petitioner.

*Mr. Rajib Mukherjee
Ms. Shreyasi Bhaduri*

...for the respondent nos. 1 to 3.

1. The writ petitioner and the respondent Nos. 1 to 3, i.e., Bhatpara Municipality and its officials are represented by their respective learned Advocates.
2. At the very outset learned Advocate appearing for the Municipality prays for an accommodation to submit report as directed by this Court on May 21, 2024.
3. Prayer for time is considered and rejected.
4. In course of hearing, Mr. Sen, learned Advocate for the writ petitioner at the very outset draws attention of this Court to the prayers made by the writ petitioner. Attention of this Court is also drawn to a report dated July 15, 2023 as submitted by Chairperson, Bhatpara Municipality wherefrom it reveals that in course of enquiry it has been found by the said Municipality that one Smt. Dipali Shat (respondent No. 4) herein and others have constructed a tin shade masonry building and existing double storied roof recasting without obtaining any sanction from competent authority.

5. It pertinent to mention herein that service upon the private respondents have been effected but the said private respondents did not turn up for the reason best known to them. It reveals that several opportunities were given to the Chairman, Bhatpara Municipality/respondent No. 3 to submit a report in writing as to what action has been taken by him pursuant to the report dated July 15, 2023 as well as to the previous report dated July 2, 2023. For some reason or other the Chairman, Bhatpara Municipality also thought it fit not to submit such report.

6. In view of such, this Court has every reason to believe that the Chairman, Bhatpara Municipality for the reason best known to him sat tight over the matter and is practically doing nothing to take appropriate action for removal of the illegal construction as mentioned in his report dated July 15, 2023 as well as in his report dated July 2, 2023.

7. Since no right accrues in favour of the private respondents in respect of an illegal construction and since the private respondents for the reason best known to them had chosen not to appear before this Court to justify their alleged illegal action, this Court finds it fit to allow the instant writ petition by directing the Board of Councilors of the Bhatpara Municipality to initiate proceeding under Section 218 of the West Bengal Municipal Act, 1993 positively within a period of the fortnight from the date of communication of this order and to come to a logical conclusion of the same after

hearing all the parties positively within a period of three months from the date of initiation of such proceeding.

8. In view of the aforementioned observation, the writ petition being WPA 13999 of 2023 is disposed of.

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

10. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)