

06.06.2024
Item No.14
gd/ssd

WPA/15162/2024
RABIN BANERJEE
VS
STATE OF WEST BENGAL AND ORS.

Mr. Anupam Kumar Bhattacharya,
Mr. Mritunjay Saha
..for the Petitioner.

Mr. Swapan Banerjee,
Ms. Neelam Singh,
Mr. Bikash Goswami
..for the State.

Mr. Alak Kumar Ghosh,
Mr. Swapan Kumar Debnath
..for the Respondent Nos.4 to 6 and 9.

Affidavit of service filed today is taken on
record.

The respondent no.11 is not represented.

Mr. Mritunjay Saha, learned counsel
appearing for the writ petitioner referring to two
representations **dated March 10, 2023, Annexure
P-2 at page 14** to the writ petition and **May 24,
2024, Annexure P-3 at page 16** to the writ petition
submits that despite repeated complaints being
lodged by the petitioner with regard to the
unauthorized and illegal construction at the subject
premises mentioned in those representations the
Municipal Corporation authority and the police
authority did not take any step.

Mr. Alak Kumar Ghosh, learned counsel appearing for the respondent nos. 4, 5, 6 and 9 submits that immediately after receiving the complaint from the petitioner the jurisdictional Municipal Authority has already issued the stop work notice. It has also found illegal and unauthorized construction of two floors at the subject premises and shall also take steps in this regard in accordance with law. He submits that the local police authority has also been informed and the local police authority are also in the process of taking steps.

Mr. Swapan Banerjee, learned State counsel appearing for the respondent no.10 places a police report dated June 5, 2024 under the seal and signature of the Officer in-Charge, Kasba Police Station suggesting that the police authority has already taken steps and caused the necessary inquiry on the issue and furnished the necessary action before the respondent no.6. The police report is taken on record.

After considering the submissions made on behalf of the parties and upon considering the materials on record, the appropriate jurisdictional Corporation Authority shall take necessary steps strictly in accordance with law to remove and dismantle the unauthorized and illegal construction

by initiating necessary proceeding in accordance with law.

The Kasba Police Station shall render all assistance in this regard to the Corporation Authority forthwith on usual terms.

The Municipal Corporation shall carry out and complete its obligation in accordance with law positively within a period of six weeks from the date of communication of this order.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations, this writ petition, **WPA 15162 of 2024** stands **disposed of** without any order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(ANIRUDDHA ROY, J.)