

S/L 4
26.09.2024
Court. No. 551
Suvayan

WPA 16775 of 2024

**Sri Mohan Goswami & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Sanjib Seth
Mr. Soumyajit Bhatta*

...for the petitioners.

Ms. Susnita Saha

...for the State.

*Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh*

...for the Municipality.

Mr. Rudranil Ghosh

...for the respondent no. 8.

1. The affidavit-of-service as filed by the learned Advocate for the writ petitioners be taken on record.
2. By filing the instant writ petition the writ petitioners alleges illegal construction at the behest of the private respondent no. 8 at 5, Fakir Chand Pathak Lane (previously 98, Dewangazi Road), Post Office and Police Station – Bally, District – Howrah, Pin – 711201 under Bally Municipality, Ward no. 7, Mouza – Bally, J.L. no. 14 appertaining to Dag no. 15416.
3. It is submitted by the learned Advocate for the writ petitioners that despite information given by his clients on 03.05.2024 the respondent authorities more specifically respondent nos. 3 to 6 sat tight over the matter and did nothing.
4. Per contra, Mr. Ayan Banerjee, learned Advocate appearing on behalf of the Bally Municipality has handed

over a photocopy of notice dated 12.07.2024 under Section 220 (1) of the West Bengal Municipal Act, 1993 (hereinafter referred to as the 'said Act') which is taken on record. Mr. Banerjee, learned Advocate for the respondent Municipality has submitted that a stop work notice has been issued upon the private respondent no. 8 on 12.07.2024 which was received by the agent of the private respondent no. 8.

5. Learned Advocate for the State has handed over a report dated September 25, 2024 as submitted by Inspector-in-Charge, Bally Police Station, Howrah wherefrom it reveals that the said Police Station has not received any complaint from Bally Municipality and accordingly a requisition dated 09.07.2024 was sent to the respondent no. 3.

6. On perusal of the entire materials as placed before this Court and after careful consideration of the respective submissions of the learned Advocates for the contending parties it appears to this Court that justice would be subserved if the respondent no. 3 is directed to take up the matter with the Bally Police Station to cause stoppage of work of any further construction at the above premises at the instance of the private respondent no. 8 and/or his men and agents within 48 hours from the date of communication of this order since it has been *prima facie* noticed by the Bally Municipality that the respondent no. 8 is making construction without obtaining the sanctioned plan at the aforementioned premises.

7. The Bally Municipality is hereby directed to proceed under Section 218 of the said Act within seven days from the date of communication of this order after serving notice both upon the writ petitioners and the private respondent no. 8.

8. Learned Advocate for the Bally Municipality and learned Advocate for the State are hereby requested to communicate the server copy of this order to their respective clients for their immediate compliance.

9. With the aforementioned observations, the instant writ petition being **WPA 16775 of 2024** is hereby disposed of.

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.)