

S/L 9  
27.09.2024  
Court. No. 551  
*Suvayan*

**WPA 17057 of 2024**

**Gita Lahiri & Ors.  
Vs.  
The State of West Bengal & Ors.**

*Mr. Sanat Kumar Roy  
Mr. Baidurya Ghosal*

*...for the petitioners.*

*Mr. Joydip Banerjee  
Ms. Tuli Sinha*

*...for the State.*

*Mr. Arka Kumar Nag  
Ms. Deboleena Ghosh*

*...for the respondent nos. 6 to 8.*

1. The affidavit-of-service as filed by the learned Advocate for the writ petitioners be taken on record.
2. In course of his submission learned Advocate for the writ petitioners at the very outset draws attention of this Court to page no. 26 of the writ petition being a copy of the written complaint dated 05.06.2024 as written by the present writ petitioners addressed to the Chairman of the respondent no. 2/Municipality who are not represented today despite service.
3. It is submitted further on behalf of the petitioners that the petitioners have come to learn that on the basis of the said written complain dated 06.06.2024 an inspection was held and for proper adjudication of the instant lis the said inspection report may be directed to be filed before this Court.
4. Per contra, learned Advocate for the private respondent nos. 6 to 8 has filed a photocopy of the

certified of the orders as passed in Title Suit no. 482 of 2024 by the learned Civil Judge (Jr. Division), 2<sup>nd</sup> Court, Serampore, Hooghly wherein the private respondent nos. 6 and 7 are the plaintiffs and the present writ petitioners are the defendants and in the said suit the suit property is a 8 fit common passage over which an injunction has been sought for and by an order dated 28.08.2024 an *ad interim* order of injunction was passed by the said civil court against the present petitioners restraining them from interfering with the peaceful enjoyment over the said common passage being the 'C' Schedule property of the plaintiff.

5. After careful consideration of the submissions of the learned Advocates for the contending parties and on scrutiny of the entire materials as placed before this Court, this Court is of the considered view that the instant writ petition can be disposed of by directing the Executive Officer of Serampore Municipality to cause an inspection at premises no. 13/A, Lahiri Para Lane, P.O. – Chatra, District – Hooghly under Ward no. 2 as to whether there is any basis in the complaint dated 05.06.2024 and in the event any unauthorized construction is noticed by the said administrative officer he shall at liberty to take appropriate steps under Section 220 of the West Bengal Municipal Act, 1993 (hereinafter referred to as the 'said Act') and he shall thereafter place the same before the Board of Councilors of the Serampore Municipality.

6. In the event the Board of Councilors finds *prima facie* basis on the report of the Executive Officer the Board of Councilors of the Serampore Municipality is directed to proceed in accordance with the provision of Section 218 of the said act.

7. It is pertinent to mention herein that before taking any coercive measure the Board of Councilors shall issue notice upon the writ petitioners and the private respondents in writing and after giving them due opportunity of hearing, the Board of Councilors shall pass a reasoned order in accordance with law.

8. It is further made clear that the entire exercise that is, inspection of the subject construction by the Executive Officer, submission of appropriate report, if there be any, initiation of proceeding under Section 218 of the said Act if necessary, service of notice upon the writ petitioners and the private respondents, hearing them, passing of the reasoned order and to communicate such orders to the writ petitioners as well as the private respondents are to be completed positively within last day of December, 2024.

9. With the aforementioned observations, the instant writ petition being **WPA 17057 of 2024** is hereby disposed of.

10. The respondent nos. 2, 3, 4 and 5 are directed to act on the server copy of this order. Liberty to communicate.

11. 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.)**