

S/L 12
03.10.2024
Court. No. 551
Sourav

WPA 17120 of 2024

Manju Pan
Vs.
Bidhannagar Municipal Corporation & Ors.

Mr. Vaskar Pal

...for the petitioner.

Mr. Sirsannya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag

...for B.M.C.

Mr. A. Neogi

...for the respondent no. 4.

1. The affidavit-of-service as filed today is taken on record.
2. At the very outset, learned advocate for the writ petitioner draws attention of this Court to Page No. 15 of the instant writ petition being a copy of letter dated 03.04.2024 as written by the writ petitioner addressed to the respondent/authorities more specifically the respondent nos. 2 and 3 alleging illegal construction at Ward No. 20, P.O. Aswininagar, P.S. Baguihati, North 24 Parganas, 700 159. It is submitted further that despite receipt of such letter, the respondent/authorities have taken no action as yet.
3. Learned advocate appearing on behalf of the Bidhannagar Municipal Corporation submits before this Court that upon inspection, it has been noticed by the respondent no. 2 that the alleged construction is without having any sanction and accordingly, a notice under Section 266 of West Bengal Municipal

Corporation Act, 2006 has been issued upon the writ petitioner as well as the private respondent. However, it is further submitted that no date of hearing has yet been fixed. Learned advocate for the private respondent, however, disputes the submission as made by the learned advocate for the Bidhannagar Municipal Corporation.

4. After careful consideration of the entire materials as placed before this Court, it appears to this Court that pursuant to the representation submitted by the writ petitioner, the respondent no. 2 i.e., the Commissioner, Bidhannagar Municipal Corporation is now seisin over the matter, however, he has not yet fixed any date of hearing.
5. Considering the urgency of the situation, this Court directs the respondent no. 2, i.e., the Commissioner, Bidhannagar Municipal Corporation to conclude the hearing positively by the last day of December, 2024 after serving notice upon the writ petitioner and the private respondent and shall communicate its decision soon thereafter both to the writ petitioner and the private respondent either through Mail or Speed Post but not after January 15, 2025.
6. In the event, the respondent no. 2, i.e., the Commissioner, Bidhannagar Municipal Corporation finds that the alleged construction has been raised without obtaining any sanction plan, he is at liberty to proceed with the provision of Section 266 of the West

Bengal Municipal Corporation Act, 2006 immediately after communication of the said order.

7. Learned advocate for the Bidhannagar Municipal Corporation is directed to communicate the server copy of this order to the respondent no. 2 forthwith.
8. With the aforementioned observations, the instant writ petition being **WPA 17120 of 2024** is disposed of.
9. 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.)