

S/L 47
08.10.2024
Court. No. 551
Sourav

WPA 17802 of 2024

**Hamidulla Khan & Ors.
Vs.
Bidhannagar Municipal Corporation & Ors.**

Mr. Mir Anuruzzaman

...for the petitioners.

*Mr. A. K. Nag
Mr. S. Banerjee
Mr. T. Dey*

...for B.M.C.

1. The affidavit-of-service as filed in Court today is taken on record.
2. Though the respondent nos. 1 to 4/Bidhannagar Municipal Corporation and its officials are represented by their learned advocates but none appears on behalf of the private respondent no. 7.
3. Learned advocate for the writ petitioners submits before this Court that even after service of notice upon the private respondent no. 7, he got no communication from any learned advocate that he has instruction to appear on behalf of the private respondent no. 7.
4. By filing the instant writ petition, the writ petitioners allege illegal construction at premises no. R.S. and L.R. Dag No. 538, Mouza – Hatiara, Methopara Babubagan, under the Bidhannagar Municipal Corporation, Police Station – Eco-park formerly Rajarhat, Ward No. 13, Kolkata – 700157 at the instance of the private respondent no. 7.

5. Drawing attention to Page Nos. 45 to 47, being Annexure P-6 of the instant writ petition, it is contended that the factum of such illegal construction was brought to the notice of the respondent nos. 1 to 4/authorities by issuing a letter dated 09.10.2023 but of no effect.
6. On perusal of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court while disposing the instant writ petition directs the respondent no. 2 i.e., the Municipal Commissioner, Bidhannagar Municipal Corporation to cause an inspection either by the respondent no. 3 or by respondent no. 4 or by any other competent engineer of the said Municipal Corporation at the aforementioned premises after service of notice upon the writ petitioners and the private respondent no. 7 and in the event, it has been noticed that an illegal construction has been done, the Municipal Commissioner shall consider the writ petitioners' application dated 09.10.2023 as a representation and after serving notice both to the writ petitioners as well as the private respondent no. 7 conduct a hearing and, thereafter, shall pass a reasoned order in accordance with law and the said reasoned order is to be communicated both to the writ petitioners as well as to the private respondent no. 7 by Speed Post and/or by Email, if the details of Email are provided to him at the time of hearing.

7. It is made clear that the entire exercise as indicated above is to be completed by the respondent no. 2, i.e., the Municipal Commissioner, Bidhannagar Municipal Corporation positively by the last day of December, 2024.
8. Before parting with, liberty is given to the respondent no. 2 to proceed with the provisions of Section 266 of the West Bengal Municipal Corporation Act, 2006 if it finds that the alleged construction at the aforementioned premises is beyond the sanctioned plan and/or illegally raised.
9. With the aforementioned observations, this writ petition being **WPA 17802 of 2024** is disposed of.
10. Learned advocate appearing on behalf of the Bidhannagar Municipal Corporation is requested to communicate this order to the respondent no. 2/Municipal Commissioner, Bidhannagar Municipal Corporation.
11. The respondent no. 2/ Municipal Commissioner, Bidhannagar Municipal Corporation is hereby directed to act on the server copy of this order.
12. 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.)