

ML 128
10.05.2024
d.p.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

W.P.A. 17736 of 2022

**Sankari Pan
-versus
The State of West Bengal & Ors.**

**Mr. Md. Baharuzzaman.
...For the Petitioner.**

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the Municipality.

The allegation of the petitioner for unauthorized construction was considered by the Chandrakona Municipality pursuant to the order passed by this Court in WPA 13542 of 2021.

A spot inspection was conducted and it revealed that the person responsible constructed 220 sq.ft. extra within his border plot without maintaining the minimum side open spaces.

The petitioner complains that despite noticing unauthorized construction, the remedial step has not been taken by the Municipality.

In the absence of the Municipality it is not possible for the Court to know the reason as to why consequential remedial step has not been taken to

undo the illegality committed by the person responsible for making unauthorized construction.

As the Municipality has already detected unauthorized construction, it is the incumbent duty of the Municipality to initiate proceeding to deal with such unauthorized construction.

The Municipality is directed to take steps in terms of Section 218 of the West Bengal Municipal Act, 1993 at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate appearing for the petitioner is directed to forward a copy of the physical enquiry report dated 22nd June, 2022 to the Municipality at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)