

M/L 57
22.04.2024
Court No. 24
Sayandeep

WPA 17689 of 2023

Sk. Nasiruddin & Anr.
Vs.
State of West Bengal & Ors.

Mr. Rwitendra Banerjee
Ms. Shibasis Chatterjee

....for the petitioner

Mr. Jyoti Prakash Chatterjee

....for the State

Mr. M. Thakur
Mr. Swarup Kumar Ghosh

...for the Ghatal Municipality

Mr. Asit Baran Raut

.....for the respondent No. 7

The petitioner alleges illegal and unauthorized construction at the behest of the private respondent. It appears that the Municipality issued a notice for survey to ascertain the nature and extent of unauthorized construction. The survey is alleged to be prevented by the private respondent.

An enquiry report by the sub-assistant engineer and the empanelled surveyor of Ghatal Municipality signed on 13th April, 2023 is annexed to the writ petition. The petitioner thereafter filed representation seeking police assistance for conducting the survey. The same is pending consideration.

Learned advocate representing the private respondent submits that on the scheduled date, the engineers of the Municipality did not conduct the survey. It has been submitted that the private respondent is ready and willing to cooperate at the time of survey by the Municipality.

Learned advocate representing the Municipality submits that the Municipality may be permitted to conduct the survey in the present of the police.

After hearing the submission made on behalf of the parties, it appears that the survey is required to be conducted.

The Inspector-in-Charge, Ghatal P.S. is directed to render all necessary help and assistance to the engineers and surveyors of Ghatal Municipality at the time of conducting the survey upon prior notice to all the parties.

The survey shall be conducted at the earliest but positively by 28th June, 2024.

The spot inspection/survey report shall be circulated among the parties and an opportunity of hearing shall be granted to the parties for production of all documents in support of their respective stand.

After hearing all the parties if it is found that unauthorized construction exists, necessary steps in accordance with law shall be taken by the Municipality to deal with the unauthorized construction.

The writ petition is 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.)