

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

W.P.A 19908 of 2022

**Abhisek Mukherjee
-versus
The State of West Bengal & Ors.**

**Mr. Amber Nath Banerjee.
...For the Petitioner.**

**Mr. Subrata Das.
Mr. Mrinal Kanti Das.
Mr. Kartick Goyal.
... for the Municipality.**

**Mr. Debanshu Ghorai.
Mr. Jit Ray.
... for the respondent nos. 5 & 6.**

The petitioner complains of illegal and unauthorised construction at the behest of the private respondent nos. 5 and 6.

The land in question is still recorded in favour of the respondent no 4. The respondent nos. 5 and 6 purchased the land from the respondent no. 4 and thereafter raised construction thereon. The construction is alleged to be made without obtaining any sanctioned plan from the North Barrackpore Municipality.

On a complaint lodged by the petitioner, a spot inspection was conducted wherefrom it revealed that the building in question does not have any sanctioned plan from the Municipal authority.

A lavatory was constructed and AC machine was installed by the private respondent. The same was complained by the petitioner.

Learned advocate representing the North Barrackpore Municipality submits that the lavatory has been dismantled and the AC machine removed.

There is no instruction from the Municipality with regard to the construction that was made without any sanctioned plan.

Learned advocate representing Kuntal Roy submits, upon instruction that, necessary charges were paid for obtaining sanction for raising construction.

From the documents annexed to the writ petition nothing is found on record to suggest that a plan was sanctioned by the Municipality.

In view of the above, the instant writ petition is disposed of by directing the Municipality to give an opportunity of hearing to all the parties for production of necessary documents in support of their respective stand in connection with the construction of the building.

On perusal of the documents and upon hearing the parties, if the Municipality is of the considered opinion that the construction in question has been made in an unauthorised manner, then necessary steps shall be initiated to deal with the same in accordance with law.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Report filed by the Municipality be retained with the records.

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.)