

15-05-2024
Item No.181 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.20749 of 2022
Smt. Mitali Sirkhell (Nee Jana) & Anr.
-vs-
The State of West Bengal & Ors.

Mr. Sourav Sen
Mr. Sayantan Rakshit ...for the petitioner

Mr. Pantu Deb Roy
Mr. S. Guha Biswas ...for the State

Mr. Ayan Banerjee
Ms. Debasree Dhamali ...for the municipality

Mr. Sayan Sinha ...for the private respondents

The petitioner complains of illegal and unauthorised construction at the behest of the private respondents.

It appears that during pendency of the writ petition, a hearing was conducted by the Bally Municipality on March 23, 2023. The petitioner complains that the fate of such hearing has not been made known till date.

Learned advocate representing the private respondents submits that there is counter-allegation of unauthorized construction made by the private respondents against the petitioners. A hearing was fixed on March 28, 2023 where the writ petitioners herein did not appear.

The allegation of non-appearance of the writ

petitioners in the hearing conducted by the municipality is denied by the learned advocate for the petitioners. It has been submitted that a joint inspection was conducted on April 28, 2023. The report of the joint inspection is yet to be circulated to the parties.

Hence the Bally Municipality is directed to circulate the joint inspection report to the parties and thereafter afford an opportunity of hearing to both the parties for production of documents in support of their respective stand. The municipality shall pass a reasoned decision and communicate the same to the parties. The entire process shall be completed by July 31, 2024. If any unauthorized construction is detected, necessary remedial measures shall be taken soon thereafter.

The writ petition is disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

