

MI- 29.01.2024
125 Ct.15
rkd

W.P.A. 22749 of 2018

Sri Asim Kumar Dutta & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Sarbananda Sanyal

....for the petitioners.

Mr. Tapash Kumar Bhattacharyya

....for the respondent no.3.

Ms. Munmun Tewary,

Mr. Sanatan Panja

....for the State.

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioners, Katwa Municipality and the State respondents. However, no one is representing the private respondents today.

It has been submitted on behalf of the petitioners that the premises of the petitioners stands on Plot No.4092 and 4094 having 5 decimal & 4 decimal of land respectively which has been classified as Viti and Bastu. The aforesaid two plots of lands were purchased by the petitioners by executing three separated conveyance deed one in 2012, another in 2014 and last one in 2018.

It has been contended on behalf of the petitioners that upon obtaining necessary permission from the concerned authority of Katwa Municipality when petitioners tried to make necessary repairing work they were prevented by the private respondents as a result whereof

repairing work could not be made complete. It is also alleged that the private respondents are making unauthorised construction at their respective plot of land.

Having considered the contentions made by the petitioners and the submission made on behalf of the Katwa Municipality the writ petition stands disposed of directing the Chairman, Katwa Municipality to hear the petitioners and the private respondents and pass a reasoned order within a period of twelve weeks from the date of communication of this order and to find out whether petitioners were previously permitted for repairing their premises. If previously permission was accorded in favour of the petitioners necessary direction shall be made by the Chairman allowing the petitioners to complete their repairing work.

At the same time the Chairman shall also look into the issue whether any unauthorised construction has been made by the private respondents without obtaining sanctioned plan or not. If it is found that the private respondents have erected unauthorised constructions necessary order shall also be passed in order to deal with such unauthorised construction at the instance of the private respondents.

However, there shall be no order as to

costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)