

29 04.03.2024
NB Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 23621 of 2023

Sonu Koley & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Soumen Bhattacharjee,
Mr. Ankan Das,
Ms. Doyel Dey.
...for the petitioners.

Mr. Arup Kumar Mondal,
Mr. Biswajit Das.
..for the State.

Ms. Mekhla Sinha,
Ms. Malabika Roy Dey.
...for the Howrah Zilla Parishad.

Mr. Niladri Sekhar Ghosh,
Mr. Sampurna Chatterjee,
Ms. Labani Sikdar,
Mr. Sourav Mondal,
Mr. Rony Mondal.
...for the private respondent.

The petitioners complain of illegal and unauthorised construction at the behest of the respondent no.11.

Learned advocate for the petitioners as well as the private respondents submits that the construction was made in the year 2001. A primary school for children is running from the said construction. Admittedly, there is no plan sanctioned for raising the said construction.

The private respondents submit that in the event any order is passed for demolition of the school, then the children of the school could be the worst sufferer.

A representation alleging unauthorized construction is pending consideration by the learned advocate representing the petitioners before the respondent authorities.

Without going into the claim and counter-claim of the parties, as it appears that a representation is pending consideration, the Howrah Zilla Parishad is directed to cause a spot enquiry to ascertain the nature and extent of the construction. Spot inspection report shall be circulated amongst the parties. A hearing shall be conducted thereafter where the parties would be permitted to rely upon all documents in support of their respective stand.

The said authority will take a decision as to whether the construction which was made more than 20 years back is required to be demolished or not.

A decision 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.

Learned advocate for the petitioners is directed to forward a copy of the legal representation dated 7th August, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)