

02.09.2024
Sl. No.24
Ct. No.15
S.A.

WPA 23656 of 2023

Mousumi Hazra
-vs-
State of West Bengal & Ors.

Mr. Pijush Kanti Roy

...for the petitioner

Mr. Abhijit Belel

Mr. Debayan Paul

...for respondent no.2

Mr. Nilanjan Bhattacharjee

Mr. Saikat Dey

...for respondent no.3

By filing this writ petition, the petitioner alleges that respondent no.3 has made an unauthorised construction at Holding no.54 within Ward no.4 of Garulia Municipality.

The petitioner submits that despite various representations before the Municipality, no steps have been taken.

On behalf of respondent no.3, it is submitted that this writ petition is a counterblast to a writ petition previously filed by respondent no.3. It has been submitted that respondent no.3 had initially filed a writ petition against the writ petitioner alleging unauthorised construction. Subsequently, the Municipality regularised the unauthorised construction undertaken by the petitioner. Challenging such regularisation, respondent no.3 again filed a writ petition before this Court. Therefore,

this writ petition is a retaliatory measure against respondent no.3.

It has been further submitted that respondent no.3's construction dates back to 1975. As such there is no scope to pass any order of demolition at this stage.

I am of the view that the writ petitioner's allegation of unauthorised construction against respondent no.3 should be addressed by the Municipality.

Accordingly, this writ petition is disposed of with a direction upon respondent no.2 to dispose of the representation dated December 27, 2022 filed by the petitioner in accordance with law within a period of three month from the date of communication of this order after giving an opportunity of hearing to the petitioner as well as respondent no.3.

The Municipality, if necessary, shall conduct an inspection to investigate the allegations made in the writ petition.

Accordingly, WPA **23656 of 2023** is disposed of.

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

(Kausik Chanda, J.)