

Item No.18

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

02.01.2024
Ct-24
AGM

WPA 23833 of 2023
Debranjana Jana
v.
The State of West Bengal & Ors.

Mr. Dyutiman Banerjee
Mr. Salil Kumar Maiti

... for the petitioner.

Mr. S. M. Hassain
Ms. Anupama Yasmin
... for the Haldia Municipality.

Mr. Md. Mansoor Alam
Mr. Debnarayan Patra
... For the State.

The petitioner alleges that the private respondent has constructed building contrary to the model plan in the Housing for All scheme under the Pradhan Mantri Awas Yojana.

The Executive Officer, Haldia Municipality considered the objection filed by the petitioner and has observed that as there is no partition of land between the petitioner and the private respondent and the private respondent is in physical possession of the undivided property. The private respondent did not commit any error in constructing the dwelling unit under the PMAY Scheme.

It appears from the order of the Executive Officer of the Municipality that the issue whether the

construction was made in accordance with the model plan was not taken into consideration.

None represents the private respondent.

Affidavit-of-service filed today in Court be kept with the records.

Learned advocate representing the Municipality submits, upon instruction that, that the complaint of the petitioner will be looked into by the Municipality.

In view of the above, the instant writ petition is disposed of by directing the Executive Officer, Haldia Municipality to cause spot inspection upon notice to both the parties and to ascertain as to whether the construction in question has been made in accordance with the model plan which is applicable in respect of the Housing for All Scheme under the PMAY.

A decision shall be taken at the earliest but positively within a period of eight weeks from the date of communication of this order.

A reasoned order shall be passed and communicated to the parties immediately thereafter.

If any unauthorised construction is detected, then necessary consequential steps shall be taken to deal with the same.

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.)