

29-04-2024
Item No.84 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.24536 of 2023
Mrs. Soma Paul
-vs-
State of West Bengal & Ors.

Mr. Abhisek Banerjee ...for the petitioner

Mr. Sounak Bhattacharya
Mr. Sounak Mondal ...for respondents no.8 & 9

Report of the Officer in Charge of Mogra police station signed on April 1, 2024 is taken on record.

Affidavit of service filed in court be taken on record.

The petitioner complains of illegal and unauthorised construction at the behest of the eighth and ninth respondents. Allegation is that the construction has been made without valid sanctioned plan. Reliance has been placed on the information supplied by the Executive Officer of the Bansberia Municipality on August 28, 2023 wherein it appears that the details of the sanctioned plan have not been disclosed by the municipality.

The construction appears to have been made at Mouza – Basudebpur, J.L. No.39 within R.S. Dag No. 328/643 & R.S. Khatian No.397 corresponding to L.R. Dag No.1512 & L.R. Khatian No.390/1 under police station Mogra within the jurisdiction of Bansberia Municipality.

Learned advocate representing the eighth and ninth respondents submits, upon instructions, that the construction has been made in accordance with the plan sanctioned by the municipality in the year 2022. Allegation of unauthorised construction has been denied.

From the documents annexed to the writ petition, it does not appear that the petitioner lodged complaint/objection before the municipality alleging unauthorised construction. In the absence of a formal complaint, the municipality could not have adjudicated the issue of unauthorised construction raised by the petitioner.

In view of the above, it will be open for the petitioner to raise formal objection highlighting the details of unauthorised construction.

In the event such representation is made, the same shall be taken into consideration by the municipality in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties and by passing a reasoned order to be communicated to the parties.

The writ petition is disposed of.

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

[Amrita Sinha, J]

