

29-04-2024
Item No.85 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.24550 of 2023
Krishna Chandra Basu

-vs-

The Chairman, Barrackpore Municipality & Ors.

Mr. Sourojit Dasgupta
Mr. Vishwarup Acharyya ...for the petitioner

Mr. Syamal Kumar Das
Ms. Smita Pal ...for the municipality

The petitioner complains of illegal and unauthorised construction at the behest of the private respondents. Objection against unauthorised construction is pending consideration before the municipality. Specific complaint is that the unauthorised construction has been made over the south-western portion of the land adjacent to the petitioner's property.

Learned advocate representing the municipality submits, upon instructions, that the private respondents constructed in accordance with the PMAY scheme. The municipality, however, has not inspected the property to ascertain as to whether the construction was made in accordance with the model plan or not.

None represents the private respondents. Affidavit of service is taken on record.

In view of the order that I propose to pass, none of the non-appearing respondents would be prejudiced if the writ petition is disposed of in the following manner.

As the municipality is yet to inspect the subject property to ascertain the correctness of the allegation of unauthorised construction, accordingly the instant writ petition is disposed of by directing the Chairman of the Barrackpore Municipality to cause spot inspection upon prior notice to all the necessary parties to ascertain as to whether the construction has been made in accordance with the model plan or not.

If it is found that the construction is made in deviation of the plan sanctioned, then necessary consequential steps shall be taken.

Steps 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.

The petitioner is directed to forward a copy of the representation dated August 31, 2023 to the aforesaid respondents at the time of communicating this order of court.

The writ petition is disposed of.

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

[Amrita Sinha, J]

