

S/L 30
05.3.2024
Court No.24
SD

WPA 24570 of 2023

Unus Ali Mondal & Anr.
Vs.
Bidhannagar Municipal Corporation & Ors.

Mr. Mukteswar Maity
Ms. Manika Sarkar
Ms. Nupur Chowdhury

...for the Petitioners.

Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag

...for the BMC.

The petitioners' complaint dated September 29, 2023 alleging unauthorized construction at the behest of the private respondent over the common passage without any sanctioned plan is pending consideration before the Bidhannagar Municipal Corporation.

None represents the private respondents.

Affidavit of service filed by the petitioners is taken on record.

Bidhannagar Municipal Corporation has already issued notice to the private respondents for furnishing the documents in support of the construction made. The said notice was issued in the month of November 2023 and the time period within which the documents were required to be submitted before the Corporation expired long back.

Learned advocate representing the Corporation submits, upon instruction that, the Corporation is contemplating to take steps to deal with the unauthorized construction.

The notice requesting the private respondents to produce the necessary documents was refused to be accepted by the private respondents. Accordingly, a notice was affixed on the outer wall of the subject premises on December 14, 2023.

As no document has been produced by the person responsible for making construction, accordingly, the Corporation is directed to take steps in the matter in accordance with law.

The Corporation shall conclude the proceeding to deal with the unauthorised construction at the earliest but positively within 12 weeks from the date of communication of this order.

The writ petition along with connected application stands disposed of.

Instruction forwarded by the Executive Engineer, Bidhannagar Municipal Corporation dated November 30, 2023 be retained with the record.

Urgent certified photocopy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Amrita Sinha, J.)