

08.07.2024
Sl.No.22
Ct. No.15
S.A.

WPA 24743 of 2023

Biswanath Baral
-vs-
The State of West Bengal & Ors.

Ms. Juin Dutta Chakraborty
Mr. Bidan Modak
...for the petitioner
Mr. Gobinda Banerjee
Mr. Subrata Mukherjee
....for respondent no.2
Mr. Moyukh Mukherjee
Mr. Koustav Lal Mukherjee
Ms. Sarmistha Basak
...for respondent nos.4 & 5
Mr. Oishik Chatterjee
...for respondent nos.6, 7 & 8
Mr. Amitava Chowdhuri
Mr. Samrat Paul
...for the State

The petitioner claims himself to be one of the co-sharers in respect of a premises at Jadurberia, Ward No.29 under Uluberia Municipality, District Howrah.

It is the allegation of the petitioner that respondent nos.4 to 11, who are the other co-sharers in respect of the said premises, despite a status quo order from a competent Civil Court passed in a partition suit between the parties, have undertaken an unauthorised construction at the said premises.

Learned advocate appearing for the respondent nos.6 to 8 submits that the status quo order of the Civil Court is not in force as on date and there has been no illegal construction in the said premises.

It appears that the petitioner has made a representation alleging the unauthorised construction before Uluberia Municipality which was received on January 27, 2023.

In the aforesaid facts, I dispose of this writ petition with a direction upon Uluberia Municipality to consider the representation of the petitioner (appearing at Page 29 of the writ petition) in accordance with law within a period of one month from the date of communication of this order and to pass a reasoned order. The Municipality shall also ensure that no unauthorized construction takes place in the relevant premises.

The municipality shall give an opportunity of hearing to all necessary parties.

With the aforesaid direction, **WPA 24743 of 2023** is disposed of.

(Kausik Chanda, J.)