

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 25004 of 2023

**Sri Narayan Chandra Roy
-versus
The South Dum Dum Municipality & Ors.**

**Mr. Purbangshu Chandra Mitra,
Mrs. Piyali Mitra,
Ms. Mahasweta Mukherjee,
Ms. Rantika Gayen,
Ms. Madhumita Roy,
Ms. Indira Malik.
...For the petitioner.**

**Mr. N. C. Bihani,
Mrs. P. B. Bihani.
...For South Dum Dum Municipality.**

The petitioner complains of illegal and unauthorized construction at holding no. 682, premises no. 17/K/14, Dakshindari Khalpara, Ward No. 35, under the jurisdiction of South Dum Dum Municipality. Objection was lodged by the petitioner on 29th September, 2023. The same is yet to be disposed of.

Learned advocate representing the petitioner submits that a notice of spot inspection has been issued by the Municipality and the date of inspection has been fixed tomorrow (04.01.2024).

As it appears from the submission of the learned advocate appearing for the petitioner that the Municipality has acted in response to the objection filed and already fixed the date for spot inspection, accordingly, the Municipality is directed to proceed with the spot inspection and thereafter circulate the report of spot inspection to the petitioner as well as the private

respondent. Thereafter an opportunity of hearing shall be granted to both the parties.

If it ultimately transpires that the allegation of unauthorized construction is genuine, then necessary consequential steps shall be taken by the Municipality. The Board of Councillors of the Municipality shall conclude the proceeding to deal with the unauthorised construction, if any, at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Leave is granted to the learned advocate of the petitioner to implead the Board of Councillors, South Dum Dum Municipality as respondent in the instant writ petition. The formality of serving a copy of the writ petition upon the added respondent is dispensed with as the Municipality is represented by the learned advocate.

Leave is also granted to the learned advocate on record of the petitioner to amend the description of the respondent no. 1 in the cause title of the writ petition.

Affidavit of service is taken on record.

None represents the private respondent.

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.)