

29-04-2024

Item No.89 ML

Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional writ Jurisdiction

Appellate Side

WPA No.25255 of 2023

Sri Somnath Dolui

-VS-

The State of West Bengal & Ors.

Mr. Sanjib Seth

...for the petitioner

Affidavit of service is taken on record. However, none represents the respondents.

The petitioner complains of illegal and unauthorised construction at 167/1, G.T. Road, P.O. Bally, Howrah within the jurisdiction of Bally Municipality.

From the documents annexed to the writ petition, it appears that a notice under section 218 of the West Bengal Municipal Act, 1993 and rule 32 of the West Bengal Municipal Building Rules, 2007 was issued by the municipality on August 18, 2023. The petitioner alleges that proceeding is yet to be concluded.

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 it appears that the provision of section 218 of the 1993 Act was invoked as far back as in the month of August 2023, accordingly, it is the incumbent duty of the municipality to conclude the proceedings within a reasonable period of time.

In view of the above, the writ petition is disposed of by directing the Bally Municipality to conclude the proceeding under section 218 of the 1993 Act at the earliest but positively within four months from the date of communication of this order.

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

[Amrita Sinha, J]