

29-04-2024
Item No.92 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.25534 of 2023
Renuka Pal & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Mrinal Kanti Biswas
Mr. Manish Biswas ...for the petitioners

Mr. Pritam Choudhury
Mr. Vijay Agarwal ...for the State

Report filed by the Inspector in Charge of Arambagh police station signed on November 21, 2023 is taken on record.

The petitioners complain of illegal and unauthorised construction at the behest of the seventh respondent.

From the documents annexed to the writ petition, it appears that the Executive Officer, Arambagh Municipality issued a notice upon both the parties to appear for a hearing on April 25, 2022 along with all documents in support of their respective claims.

It is submitted on behalf of the petitioners that since thereafter no communication has been made by the municipality. On the contrary, the private respondent continued with the construction work and has presently concluded the same.

Affidavit of service is taken on record. However, the seventh respondent is not represented.

As it appears that the municipality took up the issue of unauthorised construction and granted opportunity to hear the parties for production of necessary documents, accordingly, it was the incumbent duty of the municipality to conclude the proceeding. The petitioners have not been made aware of the fate of the complaint lodged by them till date.

In view of the above, the instant writ petition is disposed of by directing the Arambagh Municipality to conclude the proceeding initiated in response to the complaint of unauthorised construction filed by the petitioners in accordance with law and communicate the fate of the same to the petitioners. Steps shall be taken at the earliest but positively within sixteen weeks from the date of communication of this order.

The municipality may conduct a spot inspection upon prior notice to the parties to ascertain the exact nature and extent of the unauthorised construction.

If ultimately it transpires that unauthorised construction has been made, then necessary consequential steps shall be taken to deal with the same in accordance with law.

The writ petition stands thus disposed of.

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

[Amrita Sinha, J]

