

25
10.01.2024
Court No. 24
AGM

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

WPA 26113 of 2023

**Bedanga Biswas
-versus
The State of West Bengal & Ors.**

**Mr. Ashis Kumar Mukherejee.
Mr. Surojit Dasgupta.
Mr. Anirban Gope.
Mr. Saurabh Prasad.
... For the petitioner.**

**Mr. Arijit Dey.
... for the Municipality.**

**Mr. Debdutta Basu.
... For the respondent no. 4.**

The petitioner is aggrieved by the inaction on the part of the Baranagar Municipality to take necessary consequential steps to the notice issued under Section 218 (1)(a)(i) of the West Bengal Municipal Act, 1993.

The said notice was issued in favour of the owner/occupier of the premises No. 105, Gopal Lal Tagore Road, under Ward No. 27 of the Baranagar Municipality.

The notice mentions that the Municipality was satisfied that polymer sheet with steel structure shed was constructed without leaving four feet open space as per the Municipal Rules and the said sheet was constructed without any sanction plan.

There is a further allegation of the petitioner regarding illegal filling up of a portion of the water body which exists in the subject premises.

Learned advocate representing the private respondent denies the allegation of the petitioner.

Learned advocate representing the Municipality submits that necessary consequential steps in furtherance to the notice dated 19th May, 2023 shall be taken.

Upon hearing the parties and upon perusal of the materials on record, it is evident that the Municipality issued a notice under the Act to deal with the unauthorised construction, but, thereafter did not proceed with the matter.

The Municipality is directed to take necessary steps for conclusion of the proceeding initiated under Section 218 of the Act in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Reasonable opportunity of hearing shall be given to both the parties to make submission in support of their stand prior to the conclusion of the proceeding under Section 218 of the Act.

As regards the filling up of the water body, the petitioner has already applied before the District Magistrate.

Leave is granted to the petitioner to follow up the matter with the competent authority for necessary relief.

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.)