

Item No.18

07.03.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 26635 of 2023
Sri Nages Chandra Mohanta
v.
The State of West Bengal & Ors.

Mr. Arup Krishna Das
... for the petitioner.

Mr. Subhajit Mukherjee
Mr. Souryadeep Ghosh
... for the respondent no. 5.

Mr. Avirup Mandal
Mr. Anima Das Chakraborty
... for the State.

Mr. Saunak Bhattacharya
Mr. Saunak Mondal
... for AMC.

The petitioner and the private respondent are neighbours. Both allege illegal and unauthorized construction against each other. Complaint was lodged before the Asansol Municipal Corporation.

The Corporation conducted a spot enquiry but thereafter could not proceed to decide as to whether constructions are illegal or not as none of the parties produced the sanctioned plan.

Learned advocate representing the Corporation submits that the objection filed by the petitioner is extremely vague. The details of the land over which the construction has been made are not disclosed in the objection.

As it appears that the Corporation has already conducted a spot inspection, the same implies that the plot of land has been identified by the Corporation with the help of the parties. As the parties failed to produce the sanctioned plan, accordingly, the issue remained undecided.

The writ petitioner and the private respondent are directed to forward copy of their respective sanctioned plan to the Asansol Municipal Corporation latest by March 15, 2024. The Corporation shall thereafter circulate the spot inspection report and give an opportunity of hearing to both the parties.

A decision shall be taken as to whether there is any unauthorized construction that has been made in deviation of the plan sanctioned or devoid the sanctioned plan.

If it appears that unauthorized construction has been made, necessary steps shall be taken to deal with the same in accordance with law.

The complaint filed by the petitioner shall be disposed of at the earliest but positively within a period of eight weeks from the date of receipt of the sanctioned plan.

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.

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(Amrita Sinha, J.)