

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

**W.P.A 28025 of 2023
Priyam Banerjee & Anr.**

v.

The State of West Bengal & Ors.

**Mr. Priyam Banerjee
Mr. Rupam Banerjee
...Petitioners in persons.**

**Mr. Amalesh Ray
Ms. Mousumi Bhowal
Mr. Aman Gupta
Mr. Ishan Bhattacharyya
...For the South Dum Dum Municipality**

**Ms. Noelle Banerjee
Ms. Kalpita Paul
...For the State.**

**Mr. Debasish Chattopadhyay
Mr. Tirthankar Basu
... for the respondent no. 11.**

The petitioners complain that there is unauthorized construction at Kasturi Apartment at premises no. 16, Sarat Chatterjee Road, Barat Colony, at Aparajita Apartment at premises no. 104, Sarat Chatterjee Road, Barat Colony and a building at premises no.10, Sarat Chatterjee Road, Barat Colony, 24 Parganas (N), Kolkata 700089.

Learned advocate representing the respondent no. 11 submits, upon instruction that, building plan was sanctioned pursuant to which the construction of Kasturi Apartment has been made and the title deed in

respect of the subject plot of land is available with the respondent no. 11.

The petitioners have not disclosed the nature and extent of unauthorized construction at the aforesaid premises. Only bald allegation regarding illegal and unauthorized construction has been made.

The instant writ petition is not in the form of a Public Interest Litigation. The petitioners ought to specify the illegalities before the Municipality for it to take action in response to the objection lodged.

It will be open for the petitioners to provide the details of the unauthorized construction made at the aforesaid premises.

In the event objection is filed highlighting the illegalities, in that case the Municipality shall take steps to consider the objection filed by the petitioners in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and by passing a reasoned order.

A spot inspection shall be conducted to ascertain as to whether the allegation made by the petitioners are proper or not. If any unauthorized construction is detected, necessary consequential remedial steps shall be taken.

As an issue has been raised by the learned advocate representing the Municipality with regard to the common seal of the Municipality relied upon by the petitioners in the objection that has been filed before the Municipality, and as it has been submitted that no such seal is used by the Municipality, accordingly, it will be open for the Municipality to conduct necessary enquiry as regards the seal which is found in the

documents annexed by the petitioners in the writ petition.

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.)