

Item No.39

13.03.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 29037 of 2023
Bikash Singh

v.

The State of West Bengal & Ors.

Mr. Maidul Islam Kayal
Mr. Sumit Naskar
... for the petitioner.

Mr. Raghunath Chakraborty
Ms. Amrita De
... for the Municipality.

Mr. Tapan Coomar Dey
Mr. Suman Singh
... for the State.

The petitioner complains of illegal and unauthorized construction at the behest of the private respondent. In response to the complaint lodged by the petitioner before the Maheshtala Municipality on December 5, 2023, the Municipality issued a stop work notice on December 7, 2023 but thereafter no steps have been taken to deal with the unauthorized construction.

On account of the delay in taking any further step in the matter, the private respondents are continuing with the unauthorized construction.

Learned advocate representing the Maheshtala Municipality submits that steps are yet to be taken in furtherance to the stop work issued in the month of December 2023.

None represents the private respondent.

Affidavit-of-service and the notice of upgradation be retained with the records.

The Maheshtala Municipality appears to have issued a stop work notice but thereafter did not take any steps to deal with the unauthorized construction.

The Municipality is, accordingly, directed to take immediate steps to deal with the unauthorized construction in accordance with law.

The Municipality shall conclude the proceeding at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The Inspector-in-Charge, Maheshtala Police Station is directed to ensure that construction in any manner whatsoever including plastering and white washing and colouring is not done in the structure standing at Dag No. 2445/2719, Ward No. 14 under Maheshtala Municipality till the matter is finally decided by the Municipality.

Learned advocate for the petitioner is directed to forward a copy of the representation dated December 5, 2023 and the stop work notice dated December 7, 2023 to the Maheshtala Municipality and the police at the time of communicating the order of the Court.

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.)