

Item no.
27
30.04.2024
Saswata

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

WPA 902 of 2024

**Benu Roy
versus
Siliguri Municipal Corporation & Ors.**

Mr. Bhaskar Roy Mahashaya
Ms. Madhusri Dutta
Mr. S. Dutta

... For the petitioner.

Mr. Deborshi Dhar

... For the Siliguri Municipal
Corporation

Ms. Esha Acharya

... For the respondent no.5

1. Affidavit of service filed in Court today is retained with the record.
2. The petitioner complains of inaction on the part of the Siliguri Municipal Corporation in failing to take steps on the basis of the complaints made by the petitioner in relation to the illegal construction being carried out on the plot which is adjacent to the petitioner's property.
3. Mr. Roy Mahashaya, learned advocate appearing for the petitioner submits that as late in the year 2019 illegal constructions had commenced. Although, from time to time the petitioner had made representations / complaints with the Municipal authorities, the same did not yield any result.
4. Ms. Acharya, learned advocate appearing for the respondent no. 5 submits that the construction had been completed in the year 1995 on the basis of permission accorded by the Siliguri Jalpaiguri

Development Authority, which is much prior to the Siliguri Municipal Corporation being constituted and as such, there cannot be any question on the part of the petitioner obtaining any sanction from the Siliguri Municipal Corporation.

5. Mr. Dhar, learned advocate appearing for the Siliguri Municipal Corporation, on the other hand submits that on the basis of the complaint made by the petitioner, an inspection had been carried out at the locale and the respondents have been able to identify violation of the building rules. A copy of the written instruction received by Mr. Dhar as placed before this Court is retained with the record.
6. Heard the learned advocates appearing for the respective parties and considered the materials on record.
7. Admittedly, there appears to be a complaint lodged by the petitioner, however, without going into the controversy between the parties at this stage, it would be prudent to direct the Commissioner of the Siliguri Municipal Corporation to decide the complaints made by the petitioner in terms of Section 287 of the West Bengal Municipal Corporation Act, 2006 upon giving opportunity of hearing to the petitioner as also the respondent no. 5.
8. The complaint made by the petitioner on 19th January 2024 shall be decided in accordance with the provisions contained under Section 287 of the said Act, within one month from the date of communication of this order.

9. With the above observations and directions the writ petition is disposed of.
10. Since, I have not called for any affidavits, the allegations made in the writ petition are deemed not to have been admitted by the respondents.
11. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the necessary formalities.

(Raja Basu Chowdhury, J.)