

02.04.2025
Ct. No. 30
S.L. No. 25
SM

WPA 17472 of 2019
Mahamaya Mukherjee
Versus
The Bhadreswar Municipality & Ors.

Mr. Amitabha Ghosh
Ms. Nabanita Chatterjee
.....for the petitioner
Mr. Ujjal Ray
Ms. Manishikha Mondal
.....for the private respondents
Mr. Somnath Roy
.....for the respondent nos. 1 to 3

Affidavit-of-service filed be taken on record.

The writ application has been preferred praying for direction upon the respondent no. 3 to consider the petitioner's representation dated 13.08.2019 praying for appropriate steps to be taken under Section 217 of the West Bengal Municipality Act for removal of unauthorized construction raised by the respondent no. 5 herein.

The petitioner has further prayed for directions upon the respondent no. 2 to provide administrative interference by taking assistance of police personnel to enable the petitioner to carry out his construction as per sanctioned plan issued by the respondent Municipal Authorities.

Admittedly there is a Title Suit being 181 of 2019 pending in the Court of learned Civil Judge (Jr. Divn), 1st Court, Chandannagore, Hooghly, between the parties. It appears that vide an order

dated 04.07.2019 the Court has restrained the defendant/petitioner herein from constructing on the property in the present case without leaving statutory vacant space of 6 ft. from the boundary of 'A' schedule property.

The petitioner further states that he is not being permitted to carry out the construction in spite of the Civil Court's specific order and also having a duly sanctioned plan.

The said suit is still sub-judice before the Civil Court.

Considering the said facts the relief to the extent of praying for police help, necessary assistance from the Court etc. is to be made by the petitioner before the Civil Court where the Title Suit is pending.

Petitioner is at liberty to approach the Civil Court for appropriate relief.

Considering that the petitioner's representation dated 13.08.2019 has not been considered by the respondent no. 3 till date, the respondent no. 3 is directed to dispose of the said representation, on hearing the concerned parties, in accordance with law and by passing a reasoned order within 60 days from the date of communication of this order.

WPA 17472 of 2019 stands disposed of.

Applications, if any, connected thereto stand disposed of consequently.

Interim order, if any, stands vacated.

Photostat certified copy of this order, if applied for, being given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]