

04.12.2025
sayandeep
Sl. No. 04
Ct. No. 03

WPA 24536 of 2024

Asit Sasmal @ Asit Kumar Sasmal
Vs.
The State of West Bengal & ors.

Mr. Amit Baran Dash	 for the petitioner
Mr. Suman Ghosh	
Mr. Munmun Tiwary	 for the State
Mr. Jayanta Kr. Das	
Ms. MAdhumanti Das	 for the respondent No. 5
Mr. Debasish Das	 for the respondent Nos. 8 & 9

1. The present writ petition has been filed, inter alia, complaining illegal construction at the instance of the respondent Nos. 8 and 9. The petitioner would contend that since the year 2020, the petitioner has been communicating with the municipality under the provisions of Right to Information Act, 2005 for the purpose of ascertaining whether the construction that is coming up on the petitioner's adjacent plot situated at J. L. 35, Mouza-Bastia, R.S. Dag Nos. 76/769 has the authorization of the municipality.
2. Records would, however, reveal that the municipality had initiated proceedings sometimes on 19th December, 2022 in relation to a demarcation issue raised by the petitioner for the purpose of demarcating plot No. 76/769 as also in relation to issues pertaining to construction of the premises at the above plot.

3. It is the petitioner's case that although the aforesaid notice was issued, nothing concrete happened thereafter, as such the petitioner was compelled to issue the notice dated 9th September, 2024.
4. Mr. Das, learned advocate appears for the respondent Nos. 8 and 9 and has placed before this Court a copy of a sanctioned building plan sanctioned by Egra Municipality, Purba Medinipur duly counter signed by the Chairman, Egra Municipality on 28th March, 2016 for construction of a single storied residential building at Mouza- Bastia, J.L. No. 35, plot 76/769, ward No. 3 of Egra Municipality, Purba Medinipur. A copy of the aforesaid plan as placed before this Court is taken on record.
5. Although the State is represented, however, since none appears for the municipality despite service and since, Mr. Jayanta Kr. Das, learned advocate is present in Court who usually appears for Egra Municipality, I direct a copy of the writ petition to be served upon him. Let the appointment of Mr. Jayanta Kr. Das, learned advocate be regularized.
6. Having heard the learned advocates appearing for the respective parties and noting that the petitioner has made a complaint and on the basis thereof, a proceedings has been initiated by the municipality not only with regard to demarcation of the plot in question but also with regard to the construction being carried out thereat, and though, Mr. Das, learned advocate

representing the respondent Nos. 8 and 9 would by placing before this Court, the sanctioned building plan would submit that the construction is as per the sanctioned plan, I am of the view that since the proceedings has already been initiated, the same should be brought to a logical conclusion by the municipality. Accordingly, I direct the concerned municipality to conclude the proceedings initiated by them in the year 2022 as would reflect from their notices dated 11th January, 2023 and 19th December, 2024 forming part of annexure P-3 to the writ petition by affording opportunity of hearing to both the parties and by carrying out an inspection/survey at the locale. Needless to note that the survey report must be shared to the respective parties before arriving at a final decision. The proceedings should be concluded by passing a reasoned order as expeditiously as possible preferably within a period of 8 weeks from the date of communication of the order.

7. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)