

Item No.12

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

18.12.2023
Ct-24
AGM

WPA 21738 of 2023

Pushpa Sarkar & Anr.

v.

The State of West Bengal & Ors.

Mr. Subhajit Chowdhury

Mr. Debasis Kar

... for the petitioners.

Mr. Tarun Kumar Ghosh

Ms. Suvasree Ghose

... For the State.

Mr. Tapas Kumar Ghosh

Mr. Tanmay Chowdhury

... for the respondent nos. 2 to 4.

Mr. Partha Pratim Roy

Mr. Anirban Das

... for the private respondent no. 7.

The complaint of the petitioners alleging illegal and unauthorised construction was proceeded with by the Hooghly Chinsurah Municipality and stop construction notice was issued twice.

The petitioners pray for conclusion of the proceeding to deal with the unauthorised construction.

Learned advocate representing the private respondent submits, upon instruction that, the petitioners have filed a suit before the learned Civil Court praying for the same relief as prayed in the instant writ petition. The petitioners are well protected by an order passed by the learned Civil Court.

It appears from the submission made on behalf of all the parties that in the suit in question that has been referred to by the learned advocate representing the private respondent the municipality is not impleaded as a party.

According to the provision of law, the Municipality is the appropriate authority to take a decision with regard to a structure as to whether the same has been constructed in accordance with the municipal laws or not. The municipality has already initiated proceeding to deal with the unauthorised construction and has issued stop construction notice. There is no order restraining the municipality to continue and conclude the proceeding in response to the complaint lodged by the petitioners alleging unauthorised construction.

In view of the above, the municipality is directed to conclude the proceeding in accordance with law and dispose of the complaint filed by the petitioners after giving reasonable opportunity of hearing to all the necessary parties at the earliest but positively within a period of twelve weeks from the date of communication of this order.

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.)