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19.12.2023  
A.G.M.

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A. 22300 of 2023**

**Nitai Chandra Das  
-versus  
Haldia Municipality & Ors.**

**Mr. Tarique Quasimuddin,  
Ms. Sanchita Chaudhuri.  
Mr. Rahul Kumar Mahato.  
...For the Petitioner.**

**Mr. Raj Kumar Sain  
...For the Respondent  
Nos. 7 and 8.**

**Mr. S. M. Hassan.  
Ms. Anupama Yasmin.  
...For the Municipality.**

A complaint was lodged by the petitioner before the Municipality alleging that the G+1 storey structure constructed at the behest of the private respondent is unauthorised.

The complaint of the petitioner was considered and the Executive Officer of the Municipality passed order on 7<sup>th</sup> July, 2023 directing the private respondents to demolish the first floor structure within six months from the date of communication of the order. The six months is yet to expire.

The present grievance of the petitioner is that the ground floor of the structure is also unauthorised. The Municipality has erroneously held the same to be authorised. The petitioner filed further representation before the Municipality which is pending consideration. The petitioner prays for consideration of the said representation.

Learned advocate representing the private respondents submits that the petitioner is also guilty of the offence of raising unauthorised construction on the selfsame land in question. Complaint lodged by the private respondents is pending consideration.

Upon hearing the parties, it appears that the Municipality has already taken a decision that the first floor of the structure is unauthorised and, accordingly, passed an order of demolition.

The petitioner contends that the ground floor is also unauthorised and has made a detailed representation with facts and figures.

The petitioner has also relied upon the information provided under the Right to Information Act in support of his submission that the ground floor of the subject structure is an unauthorised one.

The Executive Officer of the Haldia Municipality is, accordingly, directed to consider the representation made by the petitioner in accordance with law after giving reasonable opportunity of hearing to the necessary parties and to pass a reasoned order and communicate the same to the parties.

Steps shall be taken to dispose of the representation filed by the petitioner within a period of twelve weeks from the date of communication of this order. The parties will be entitled to rely upon all documents and make submissions in support of their stand at the time of hearing.

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.)**