

Item No.17

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

19.12.2023
Ct-24

WPA 4186 of 2023
Jakir Hossen Gazi

v.

The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Mr. Sandipan Das
... for the petitioner.

Mr. Benazir Ahmed
... for the State.

Mr. Subhadip Paramanik
Ms. Mousumi Arji
... for the respondent nos. 6 & 7.

The petitioner complains of illegal and unauthorized construction.

This Court in an earlier writ petition being WP 13207 (W) of 2019 (Zakir Hossen Gazi & Ors. v. The State of West Bengal & Ors.) vide order dated November 1, 2019 directed the Board of Councillors, Baduria Municipality to invoke Section 218 of the West Bengal Municipal Act, 1993 and complete the proceeding within eight weeks from the date of communication of the order after giving opportunity of hearing to the parties.

It appears from the submission made on behalf of the parties that the said proceeding has not yet been initiated.

The petitioner submits that the unauthorized construction still remains and the Municipality has not taken any steps to demolish the same.

Learned advocate representing the private respondent submits, upon instruction that, because of non-initiation of the proceeding under Section 218 the notice of hearing has not yet been served.

In view of the aforesaid, the instant writ petition is disposed of by directing the Board of Councillors, Baduria Municipality to take steps to comply the direction as passed by this Court on November 1, 2019 in WP 13207(W) of 2019 within a period of eight weeks from the date of communication of this order. A reasoned order shall be passed and communicated to all the parties.

Learned advocate for the petitioner is directed to forward a copy of the order dated November 1, 2019 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today be taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.