

**In The High Court At Calcutta
Special Civil Jurisdiction
Appellate Side**

**C.P.A.N. 1562 of 2023
in
W.P.A. 23247 of 2022**

**Anjan Bhattacharya
-versus-
Uttam Das & Ors.**

**Mr. Sabyasachi Mukherjee,
Mr. Poulam Dey,
Mr. Mrinmay Nandy,
Ms. Ankita Nandi,
Mr. Biswajit Mukherjee.
...For the Petitioner.**

**Mr. Shyamal Kr. Das.
Ms. Krishna Yadav.
...For the Municipality.**

1. Perused the reasoned order of the Board of Councillors dated 28th February, 2024.
2. The authority was directed to consider as to whether the construction made by the private respondent was in accordance with law or not. There is no reflection in the order of the Board of Councillors with regard to the legality of the construction made.
3. Mere recording is that, the private respondent repaired the tile shed structure. The same is not consideration in accordance with the direction passed by the Court and in terms of the mandate provided in the statute.
4. Learned advocate representing the Board of Councillors seeks time to clarify the same.
5. Let the description of the disputed construction be brought on record by way of

affidavit supported by photographs from all four sides of the structure.

6. Let such affidavit be prepared and circulated by 6th February, 2025.
7. List on 20th February, 2025.
8. The Board of Councillors shall clearly specify as to whether the subject structure requires a sanction or not.

(Amrita Sinha, J.)