

S/L. 51.
27.08.2019
MNS

**Calcutta High Court
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction**

WPA 331 of 2019

**M/s. S. R. Construction
Vs.
Siliguri Municipal Corporation**

Mr. Pritam Roy

...for the petitioner.

Mr. Kumar Shantanu

...for the respondent.

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

Both sides are represented in
court.

The grievance of the petitioner is
that the sanction plan obtained by the
petitioner in 1994 was found to be misplaced
from the office of the respondent in the year
1996, when the petitioner had applied for a
renewal of the same.

In the interregnum, the petitioner
was entangled in litigation, not with the
respondent but with others, being the owners
of the property and as such, no renewal could
be obtained in view of the interim orders
passed in such litigations.

Subsequently, when the petitioner sought for a renewal of the plan, it was apparently found that the plan was misplaced from the office of the respondent.

However, learned counsel for the respondent produces the said plan in court today, which itself makes it evident that there was no question of the plan being misplaced from the office of the respondent.

In fact, the petitioner has made an application for a fresh sanctioned plan during pendency of this writ petition. However, learned counsel for the respondent submits that the said new plan has several discrepancies with the original plan and that the respondent has asked the petitioner to submit a fresh application for sanction plan in substantial consonance with the 1994 plan.

Accordingly, WPA 331 of 2019 is disposed of by directing the petitioner to submit a fresh application for obtaining a sanction plan in respect of the property-in-question, as much as possible in substantial consonance with the original plan of 1994.

If such a new application is filed, the respondent shall reconsider the said application in accordance with law without being influenced in any manner by any of the

observations made herein and take a decision upon the sanction of such plan as expeditiously as possible, in view of the delay already occasioned.

There will be no order as to costs.

Let photostat certified copies of this order, if applied for, be made available to the parties upon compliance of due formalities.

(Sabyasachi Bhattacharyya, J.)