

S/L 59
17.12.2021
Court. No. 22
suwayan

WPA 2153 of 2007
With
IA No:CAN 1 of 2007 (Old No:CAN 4573 of 2007)
With
IA No:CAN 2 of 2021

Smt. Chandra Saha & Ors.
Vs.
Rajarhat Gopalpur Municipality & Ors.

(Through Video Conference)

Mr. Sourav Mr. Mukherjee
Mr. Kaushik Chowdhury

...for the Petitioners.

Mr. Jahar Lal De
Mr. Amril Lal Chatterjee

...for the State

Affidavits of service filed in Court today, are kept on record.

An old writ petition of 2007 when the grievance of the writ petitioners was against the then Rajarhat Gopalpur Municipality which after merger at present is Bidhannagar Municipal Corporation.

The grievance of the writ petitioners was principally the inaction on the part of the then Rajarhat Gopalpur Municipality by not granting the final sanctioned building plan in respect of a proposed construction on the subject premises.

Mr. Sourav Kr. Mukherjee, learned Counsel appearing with Mr. Kaushik Chowdhury, learned Advocate submits that, a provisional sanctioned plan was granted by the then

Rajarhat Gopalpur Municipality on January 30, 2004. Thereafter a show-cause notice was also issued on December 6, 2004 on the self-same subject matter. The writ petitioners challenged such show-cause notice and prayed for the consequential reliefs.

Today, at the fag end of 2021, in any event, a provisional plan or even if there could have been a sanctioned plan of 2004, it would have expired. In such a situation the writ petitioners if required any further sanctioned plan would have to apply for the same in due process of law and after complying the necessary provisions of the relevant statutes and rules.

Mr. Mukherjee in his usual fairness, submits that in the event such a new sanctioned plan is applied for the same cannot be, in any event, subject matter of this writ petition.

Mr. Jahar Lal De, learned Counsel appearing for the State.

Previously on September 10, 2021 till November 18, 2021 several orders were passed containing various directions. Not on a single occasion the Bidhannagar Municipal Corporation was represented though formally they had not added party as yet. By an order dated October 7, 2021 this Court has already made direction to serve a notice upon Bidhannagar Municipal Corporation.

Considering the aforesaid and after considering the submissions made by the parties represented, this Court is of the view that no substance subsists in this writ petition

today. Hence, no useful purpose will be served by keeping this writ petition pending.

The writ petitioners had taken out an application being CAN 2 of 2021 in which they prayed for recording of death of the third writ petitioner and substitution of her legal heirs in her place and stead. They further prayed for deletion of the name of the first respondent and incorporation of Bidhannagar Municipal Corporation in place and stead.

It is made clear that, this order will no way prevent the writ petitioners or any of the surviving legal heirs of the writ petitioners from applying for sanctioned building plan afresh before the appropriate authority in accordance with law and in compliance of all the statutory requirements.

Since no material issue has been decided nor any right of any of the parties has been decided in this writ petition, CAN 2 of 2021 is not required to be adjudicated upon at this stage.

In view of the above the writ petition being **WPA 2153 of 2007** is dismissed as infructuous and accordingly **CAN 1 of 2007 (Old no:CAN 4573 of 2007)** with **CAN 2 of 2021** stand disposed of.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Aniruddha Roy, J.)