

S/L 8
29.11.2021
Court. No. 19
GB

WPA 5445 of 2021

Swapan Kumar Poddar & Ors.
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Rabindra Kumar Jaiswal.
...for the Petitioners.

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.
...for the K.M.C.

Ms. Sima Adhikari,
Ms. Kakali Naskar.
...for the State.

Mr. R. Ghosh.
...for the Respondent No.6.

Affidavit-of-service filed in Court today be kept with the record.

The petitioners allege that the respondent no.6 had made unauthorized construction on Premises No.20/43, Biplabi Barin Ghosh Sasrani, Kolkata – 700067.

The Corporation has filed a report, from which it appears that the nature of construction was as per the permission granted by the Corporation vide Permit No.B/06/III/2020-2021 dated October 5, 2020, allowing the respondent no.6 to replace the old existing stair case with new stair case and also the stair head room within the existing covered area of the building. From the report it also appears that the construction so far has been made in

accordance with the permission granted to the respondent no.6. The report is taken on record.

The petitioners submit that mandatory space as required under the law was not left and a completely new construction has been made.

The learned advocate appearing on behalf of the respondent no.6 has filed a copy of the application, which was submitted before the Corporation seeking permission for such renovation and reconstruction. A photograph has also been submitted before this Court to show that in the finished reconstructed building no external changes have been taken place. However, these are disputed question of facts and the petitioners have denied such contentions. It is submitted that the mandatory provision of law has not been followed by the respondent no.6. It is submitted by the petitioners that the entire structure had been demolished and a new structure had come up without any permission from the Corporation.

As the Corporation has already submitted a report indicating that so far there has been no unauthorized construction and the reconstruction/repair has been done with the permission of the Corporation, this Court does not think it necessary to keep the writ petition pending for further consideration.

As the petitioners have raised an objection before the Corporation, the Court is of the opinion that the contentions of the Corporation which has been urged before this Court should be intimated to the petitioner by disposing of the

demand of justice made by the petitioners dated January 4, 2021, being Annexure P-3 to this application in accordance with law upon giving a hearing to the petitioners as also the respondent no.6. A reasoned order shall be passed and communicated to all concerned.

The entire exercise shall be completed within a period of four months from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)