

08.02.2021
SL No.14
Court No.24
(P.M.)

WPA 4386 of 2020

Jadav Das
Vs.
The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Ms. Snigdha Saha,
Mr. Pronay Basak
... for the petitioner

Mr. Subhasis Bandopadhyay
... for the Municipality

Mr. Manas Kumar Kundu
... for the State.

The petitioner intends to set up a temporary corrugated G.I. sheet shed in his own premises.

The petitioner made an application before the Burdwan Municipality by a letter which was sent through post on 18th December, 2019. The petitioner complains that the said application has not been considered by the Burdwan Municipality till date.

The petitioner also refers to a letter dated 1st February, 2018 issued by the Vice Chairman of the Burdwan Municipality directing the petitioner to submit a No Objection certificate from the tenants. According to the petitioner, the owner is not required to produce any No Objection Certificate from the tenants for the purpose of obtaining sanction as aforesaid.

The learned advocate for the Burdwan Municipality submits that the petitioner has merely forwarded a letter

seeking permission for setting up of the G.I. sheet shed but has not submitted the requisite documents for the purpose of obtaining sanction of the said shed.

The Municipality however submits that the petitioner was not intimated as regards to the documents which are required to be submitted by him for the purpose of obtaining sanction.

The learned advocate for the Municipality has admittedly not been able to produce any provision of law regarding the filing of No Objection certificate from the tenants for the purpose of obtaining sanction for setting up a shed in one's own premises.

In view of the above, the instant writ petition is disposed of by directing the Burdwan Municipality to intimate the petitioner the requisite documents that he is required to submit for the purpose of obtaining the sanction for setting up the temporary corrugated G.I. sheet shed. Step shall be taken by the Municipality at the earliest, but positively within a period of three weeks from the date of communication of a copy of this order.

In the event, the petitioner submits all the documents as required by the Municipality, then necessary step shall be taken for according permission strictly in accordance with law.

Writ Petition WPA 4386 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)