

13.04.2021
SL No. 58
Court No.24
(P.M.)

WPA 6933 of 2020
With
IA No. CAN 1 of 2020
+
IA No. CAN 2 of 2021

Neyaz Ahmed Khan
Vs.
The State of West Bengal & Ors.

(Via Video Conference)

Mr. Anirban Das
... for the petitioner

Mr. Dipak Kumar Mukherjee,
Mr. Rajib Mukherjee,
Mr. Supriya Dey Barat,
Ms. Shreyasi Bhandari,
Mr. Subhrajit Saha
... for Bhatpara Municipality

Mr. Lalit Mohan Mahato,
Mr. Subrata Das Gupta
... for the State

The writ petition was filed by the petitioner alleging unauthorised construction by the private respondents without obtaining any sanction from the Bhatpara Municipality.

By an order dated 18th November, 2020 this Court directed the Chairman of the Bhatpara Municipality to ensure that no construction work be carried on by the private respondents at the said premises until disposal of the writ petition.

An application for vacating the said interim order has been filed by the private respondent no. 13, Shoukat Ali. In the said application the said respondent has annexed the sanction granted by the Bhatpara Municipality for making construction of a G+3 storied residential apartment in the premises in question. The sanction was granted on 27th January, 2021 and the same is valid for a period of three years.

It appears from records that admittedly the plan for making construction was sanctioned by the Municipality in January, 2021 and accordingly any construction made prior to the sanction of the plan remains unauthorised till the same is regularised by the Municipality.

The matter is accordingly relegated to the Municipality for taking a decision with regard to the construction made by the private respondents prior to the sanction of the building plan. The said decision shall be taken by the Municipality at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order. Till the Municipality takes a decision with regard to the legality and validity of the construction made prior to sanction of the building plan no construction shall be made by the private respondents in the premises in question.

The Municipality shall grant an opportunity of hearing to all the necessary parties prior to taking a decision in the matter.

Writ petition WPA 6933 of 2020 along with CAN 1 of 2020 and CAN 2 of 2021 are 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.)