

19.07.2021
Court No. 19
Item no.14
CP

WPA 11125 of 2021

Shri Biplab Das
Vs.
Tamralipta Municipality & ors.
(via video conference)

Mr. Pingal Bhattacharyya

....for the petitioner.

Ms. Anyasha Das

....for the respondents 4 to 7.

The writ petition has been filed challenging inaction on the part of the Chairperson, Board of Administrators, Tamralipta Municipality in not disposing of the demand of justice made on behalf of the petitioner dated May 31, 2021.

It is the contention of the petitioner that the building which is being raised by the respondent Nos. 4 to 7 is not in accordance with the West Bengal Municipal (Building) Rules, 2007. It is submitted that the municipal authorities have sanctioned a building plan contrary to the rules. The provisions regarding FAR and ground coverage have not been followed.

The learned advocate for the respondent Nos. 4 to 7 submitted that the construction has been done in accordance with the sanctioned plan.

Section 217 of the West Bengal Municipal Act, 1993 makes a provision for cancellation of permission or sanction if the sanction has been obtained by fraud or misrepresentation.

It is the contention of the petitioner that the sanction plan, if any, given in this case was on the basis of misrepresentation, as such, the same was liable to be cancelled.

Under such circumstances, without going into the merits of the claims and counter-claims of the parties, this writ petition is disposed of with a direction upon the competent authority of the Tamralipta Municipality to consider and dispose of the demand of justice made by the petitioner through his learned advocate, in accordance with law, upon hearing the petitioner and the respondent Nos. 4 to 7.

The authorities shall allow the parties to submit documents in support of their respective contentions. An inspection shall be made in the presence of the respective parties. Report of inspection shall be supplied to the parties. Upon consideration of the entire issue, the competent authority of the Tamralipta Municipality shall reach

the proceeding to its logical conclusion. Interim measure may also be taken.

A reasoned order should be passed and supplied to all parties.

The entire exercise should be concluded within a period of eight weeks from the date of communication of this order.

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)