

S/L 22
09.11.2021
Court. No. 19
GB

WPA 12240 of 2021

Surya Prakash Singh
Vs.
The Ranaghat Municipality & Ors.

(Through Video Conference)

Mr. Avirup Mondal,
Mr. Anand Jha.

...for the Petitioner.

Mr. Abhrotosh Majumdar,
Mr. Nilatpal Chatterjee..

...for the Respondent Nos.10, 11 & 13.

Mr. Achintya Kumar Banerjee,
Ms. Indumouli Banerjee.

...for the Municipality.

The petitioner is aggrieved by a construction allegedly carried out by the respondent nos.10 to 13. According to the petitioner, a sanction had been granted for construction of G+1 storied building, but the construction has been raised to G+3. Photographs have been annexed to the writ petition.

It is submitted by the learned advocate appearing on behalf of the respondent nos.10, 11 and 13 that a stop work notice had been received by them and that revised plans have also been submitted before the municipality.

As the municipality has already taken steps by issuing a stop work notice, this Court is of the opinion that the writ petition should be disposed of directing the Ranaghat municipality to act and proceed in accordance with law with regard to the allegations made by the petitioner.

An inspection shall be made in presence of the parties and the report shall be supplied to the parties. Thereafter a hearing shall be given to the parties and the parties shall be allowed to submit all relevant documents in support of their contentions. A reasoned order shall be passed and communicated to all.

The respondent nos.10 to 13 shall also be entitled to advance arguments in support of the revised plans which they have submitted and it is for the municipality to decide whether such revised plans can be taken note of and permitted at a stage when allegedly construction has been completed. If it is found that there has been unauthorized construction that is, in the absence of a sanction plan or in deviation of the plan, action shall be taken accordingly.

The entire exercise shall be completed within a period of 12 weeks from date of communication of this order.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)