

Court No. 24

24.03.2021

(Item No. 18)

(AB)

W.P.A 19379 of 2019

Samarendranath Modak

vs

The State of West Bengal & Ors.

Mr. Sandip Kundu

Mr. Devdutta Pathak

..... for the petitioner

Mr. Swarup Kumar Ghosh

..... for Ghatal Municipality

Mr. Tapas Kumar Adhikary

..... for the State

The petitioner complains that the Municipality is not permitting him to raise the boundary wall. The petitioner relies upon Rule 12 of the West Bengal Municipal (Building) Rules, 2007 wherein it has been mentioned that no boundary wall shall exceed 2 metres in height on the road side, and the solid portion of the compound walls shall not exceed 1.5 metres in height.

The petitioner submits that the petitioner will construct the boundary wall strictly in accordance with the provisions of Rule 12 of the West Bengal Municipal (Building) Rules, 2007.

The learned advocate representing the Ghatal Municipality submits, upon instructions, that no stop work notice was issued to the petitioner for constructing the boundary wall. It has also been submitted that the petitioner will be at liberty to

construct the boundary wall in accordance with the West Bengal Municipal (Building) Rules, 2007.

The petitioner though has made an allegation that the Municipality has restrained him from raising the boundary wall, but there is nothing on record in support of the claim of the petitioner. The Municipality has refuted the claim of the petitioner. On the contrary the Municipality has submitted that no interference had been made from the side of the Municipality restraining the petitioner from constructing the boundary wall.

In view of the submission made by the Municipality that no steps have been taken by the Municipality to stop the petitioner from constructing the boundary wall, accordingly, no order is required to be passed in the instant writ petition, save and except recording, that it will be open to the petitioner to construct the boundary wall strictly in accordance with law.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)