

S/L . 22
1.9. 2021
Court. No. 19
sn

WPA 7785 of 2020

Smt. Joyashree Basuli & Anr.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)

Mr. Uttam Kumar Bhattacharya ...for the Petitioners

Mr. Santanu Kumar Mitra
Mr. Sailendranath Chakraborty ..for the State

Mr. Jaharlal Roy ..for the respdt.no.13 to 17

This writ petition has been filed alleging unauthorised construction by the respondent nos. 13 to 17.

Despite service, none appears on behalf of the Tamralipta Municipality.

The allegation of the petitioners in the writ petition is that the respondent nos. 13 to 17 has been constructing on an adjoining plot to the land of the petitioners situated at plot no. 1476, Mouza Dharinda, ,P.O. and P.S. Tamluk, District Purba Medinipore.

According to the averments made in the writ petition, it appears that the petitioners were aggrieved because JCB machines were being used for excavation of earth and the casting and foundation was being done in a manner which has caused instability to the building of the petitioners.

According to the petitioners, the foundation work and the machineries which have been used by the respondent nos. 13 to 17 have endangered their building.

The police authorities made an inspection. A report had been filed which was served upon the petitioners. The police authorities stated in the report that an enquiry was made and the respondent nos. 13 to 17 had produced a plan. However, it is not for the police authorities to decide on the legality or illegality of the construction.

The learned advocate for the petitioners now submits that the sanction plan which was granted to the respondent nos. 13 to 17 was obtained by practising fraud and misrepresentation.

Mr. Roy, learned advocate for the respondent nos. 13 to 17 submits that the construction has been completed. The petitioners are not the owners of the adjoining plot. No damage has been caused to the building of the petitioners and the construction was done in accordance with law.

Heard the parties. If the petitioners are aggrieved by the sanction of the plan then the petitioners are to approach the concerned municipality under the provisions of 217 of the West Bengal Municipal Act, 1993. If the petitioners are

aggrieved by any illegal construction then the petitioners have to approach the municipality in accordance with law.

In this case, the petitioners complained of damage to their building caused by construction of the respondent nos. 13 to 17. This issue cannot be decided in a writ petition. The petitioners are at liberty to approach the concerned authorities in accordance with law with their respective grievances.

This Court has not gone in to the merits of the claims of the petitioners.

Under such circumstances, this writ petition is disposed of.

There will be, however, no order as to costs.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)