

04.03.2021

Item no. 142

Dd/aloke

(Through Video Conference)

WPA 8656 of 2020

**Tarakeswar Green Mates
Vs.
State of West Bengal & Ors.**

Mr. Sumanta Biswas, adv.

Mr. Bikash Shaw, adv.

... For the Petitioner

Mr. Jaydip Kar, sr. adv.

Mr. Arindam Banerjee, adv.

Ms. Arpita Saha, adv.

Ms. Rituparna Chatterjee, adv.

...For the respondent no. 7

Mr. Triptimoy Talukder, adv.

Mr. Diptomoy Talukder, adv.

... For the Municipality

The 7th respondent is a builder. The petitioner is a Non-Governmental Organization. The petitioner has filed this public interest litigation to protect the interest of the residents of Lal Bahadur Shastri Road, Konnagar. It is contended that the 7th respondent/builder is making a huge construction on the said road, as a result of which the buildings belonging to other persons in the vicinity of such construction site, have developed cracks and/or have suffered other kinds of damage. With this grievance the petitioner is before us.

We called for reports from technical experts. Such reports have been filed. The municipality has also filed a report. In such reports, eight properties have been identified in the proximity of the construction site, which have suffered some damage because of the construction activity. The 7th respondent accepts such reports and says that it will carry out necessary repairs to the buildings which have been damaged. This obviously they will do at

their own cost. The 7th respondent may carry on with its construction activities but simultaneously it must cause necessary repairs to be made to the damaged premises by forthwith commencing such repairing work. The 7th respondent after resuming its construction work shall abide by conditions imposed on it by the State Environment Impact Assessment Authority.

Learned counsel for the 7th respondent points out that a 'stop work order' has been issued by the municipality in question restraining the 7th respondent from proceeding with its construction work. Upon being satisfied that the 7th respondent is carrying out requisite repairing work to the damaged buildings, the municipality shall withdraw such 'stop work notice' so that the 7th respondent can resume its construction activities.

Needless to say that if in future other buildings in the locality suffer any damage by reason of the construction activity of the 7th respondent, the municipality concerned may direct the 7th respondent to do good such damage.

This order shall operate in supersession of all other orders passed on this writ petition. No useful purpose will be served by keeping this writ petition pending.

WPA 8656 of 2020 is, thus, disposed of.

[Thottathil B. Radhakrishnan, C.J.]

[Arijit Banerjee, J.]