

Item No.18

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

22.03.2021
Ct-24

W.P.A.9401 of 2020
Smt. Chandana Banerjee
v
Uttarpara Kotrung Municipality & Ors.

Mr. Chiranjib Sinha
... for the petitioner.

Mr. Dipak Kumar Mukherjee
Mr. Rajib Mukherjee
Ms. Anindita Banerjee
... for the municipality.

The petitioner alleges unauthorized construction by the private respondent in the holding No. 103/1, Upper B.P.M.B Sarani, Bhadrakali, Ward No. 10, Hooghly.

It appears from the instruction given by the Uttarpara Kotrung Municipality that construction is being made in the aforesaid holding under the P.M.A.Y.(H.F.A.) Scheme.

On the receipt of the complaint from the petitioner an inspection was conducted at the site wherefrom it appeared that the front open space left by the private respondent at the time of making the construction is 1.08m which is more than that the required space that

is 0.80m. On the northern side there is a 1.2m wide common passage. The open space left is 0.60m instead of 0.80m. The rear open space in the western side is 1.15m instead of the required 1m.

The open spaces have been left in terms of the Rules No. 56(3)(e) & (f) West Bengal Municipal (Building) Rules, 2007 as amended by Notification No. 105/MA/O/C-4/3R-14/2015 dated February 26, 2016.

From the aforesaid it appears that the deviation recorded in the northern side open space is extremely minor (0.20m). As it appears that the construction has been made more or less in accordance with the Rules framed by the Government, accordingly, no interference is called for in this matter at this stage.

In the event, there is any deviation in future, it will be open for the petitioner to approach the Municipality for taking steps in accordance with law.

WPA 9401 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)