

Court No. 24

22.01.2021

(Item No. 27)

(AB)

W.P.A 11658 of 2020

Rajesh Kumar Shaw & Anr.

vs

The Panihati Municipality & Ors.

Mr. Rahul Karmakar

Mr. Asif Sohail Tarafdar

...for the Petitioners

Mr. Rabindra Narayan Datta

Mr. Hare Krishna Halder

.... for the State

Mr. Soumyajit Bhatta

Mr. Bikash Kr. Chattopadhyay

.... For Panihati Municipality

Affidavit of service filed in Court is taken on records.

The report filed by the Panihati Municipality is retained with the records.

The petitioners allege that the Municipality is illegally and arbitrarily standing in their way of construction of the tin roof in the premises in question. The petitioners submit that they have purchased a three storied building by way of a sale deed in the year 2014. The construction was made by the previous owner. Presently the petitioners are only laying the tin on the roof.

It is the contention of the petitioners that no permission or sanction is required for the purpose of laying the tin roof.

The petitioners also pray for a direction upon the Municipality for mutating their names

in the official records. The petitioners submit that up to date tax has been paid by them.

The learned advocate appearing on behalf of the Municipality submits, upon instructions, that though the application for mutation has been received by the Municipality and notice has been issued but the petitioners have not produced a copy of the sanction plan before the Municipality and accordingly steps for mutation could not be taken.

As regards the laying of the tin roof it has been submitted that the petitioners are not showing the copy of the sanction plan of the building. The Municipality has come to a conclusion that the building which was constructed on the basis of the sanction plan No. 477 dated 28th August, 2014 has not been constructed as per the sanction plan and the validity of the plan had already expired.

It appears that the petitioners possess a sanction plan in respect of the aforesaid premises. The petitioners are at liberty to produce the said plan before the Municipality so that necessary steps may be taken for mutation. As regards the laying of the tin roof the Municipality shall intimate the petitioners whether the same is permissible or not. If the

same is permissible according to law the Municipality shall permit the petitioners to lay the roof. If laying of the tin roof is not permissible the same shall also be intimated to the petitioner giving reasons for the same. The Municipality shall consider the same within a period of four weeks from the date of the petitioners producing the copy of the sanctioned plan before the Municipality.

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.)