

sS/L 22
21.03.2022
Court No.19
SD

WPA 1403 of 2022

Smt. Aruna Bapari
Vs.
The State of West Bengal & Ors.

Mr. Sounak Bhattacharya
Mr. Samit Mandal
Mr. Sounak Mandal

...for the Petitioner.

Mr. Manas Kundu
Mr. Debabrata Mondal

...for the State.

Ms. Ahana Sikdar
Ms. Barshana Shrestha

...for the Respondent Nos.5 & 6.

Affidavit of service filed in Court today be taken on record.

Despite service, none appears on behalf of the respondent nos.8 to 11.

The petitioner has alleged that the respondent nos.8 to 11 have raised some construction on LR plot no.1064 (part) and 1065 (part) situated at Mouza – Shekpura, JL No.172 pertaining to Municipal Holding No.751, Mohalla Station Road under ward no.5 of the Midnapore Municipality.

It is has been submitted by the learned advocate for the Municipality on the basis of the report prepared by the said Sub-Assistant Engineer of the Municipality that a sanctioned plan for a basement+G+3 storeyed residential apartment had been sanctioned on March 6, 2021. The structural engineer's report and certificates were perused by

the Municipality and the work of excavation for construction of the basement is going on under the supervision of the engineers. It has been stated that as of now, there has not been any obstruction on any passage and the mandatory side space has been left open.

Under such circumstances, this Court is of the opinion that as the municipal authorities have not found any unauthorized construction as yet, no order need be passed in this writ petition. Copy of the report has also been handed over to the learned advocate for the petitioner.

However, the respondent nos.8 to 11 shall ensure that the construction is being done in accordance with the plan sanctioned by the Municipality and in compliance with the Municipal Building Rules, 2007. However, if it is found in future that the construction in any manner violates the Rules of 2007, the petitioner may raise such objection before the Municipality and if such objection is raised, the same shall be disposed of in accordance with law.

The report filed by the Municipality be taken on record.

Accordingly, the writ petition is disposed of.

There will be no order as to costs.

All parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)