

Sl. No.8
31.10.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 6614 of 2022

Biplab Kumar Chowdhury
v.
The State of West Bengal & Ors.

Mr. Aniruddha Chatterjee
Mr. Kushal Chatterjee
Mr. Iftekar Munshi
Mr. Debrup Choudhury

... for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
Mr. Tirthankar Dey

... Bidhannagar Municipal Corporation

Mr. Sandip Mondal
Mr. Jayeeta Sinha

... for the State

The petitioner has filed a representation before the Bidhannagar Municipal Corporation in March, 2022 alleging illegal construction of Hotel Host International and multi-storied commercial high rise building without obtaining any sanction plan at the municipal holding No.RGM/17/94, Raghunathpur, Dag Nos.414, 415, 134, 416, 145/848.

The representation mentions that the Hotel has four buildings and the constructed area is approximately 54,300 sq. ft. The said buildings have been constructed taking advantage of no inspection during the Covid pandemic in the year 2020.

The petitioner sought for demolition of the said Hotel and the high rise multi storied commercial buildings.

Learned advocate for the petitioner refers to certain information provided under the RTI Act, 2005 in respect of query made by the petitioner on 26.10.2021.

The plot numbers and the municipal holding number indicated in the application seeking information under the Right to Information Act and the representation alleging illegal construction, are different.

Learned advocate representing Bidhannagar Municipal Corporation has taken instruction in respect of the municipal holding No.RGM/17/94, Raghunathpur, as mentioned in the representation dated 7th March, 2022 and the instructions provided by the Assistant Engineer, Bidhannagar Municipal Corporation mentions that after inspection no construction was found in the said plot except a tin shed asbestos gumti. Debris found in the plot indicated some constructional demolition work carried out in the near past.

From the instruction provided by the Bidhannagar Municipal Corporation, the primary allegation of making unauthorised construction at the municipal holding No.RGM/17/94, Raghunathpur, remains unsubstantiated. Accordingly, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

The instruction forwarded by the Assistant Engineer, Bidhannagar Municipal Corporation signed on 26th May, 2022 be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)