

14.02.2022
Item no.17.
Court No.6.
AB

M.A.T. 418 of 2021
With
I A CAN 1 of 2021

Chandernagore Navabidhan Brahmo Samaj Newly
Chandernagore Brahmo Samaj & Others
Vs
The State of West Bengal & Others

Mr. Bhudeb Chatterjee,
Mr. S. K. Ghoshfor the Appellants.

Mr. Ayan Banerjeefor the State.

Mr. Suman Basu.....for the Respondent 2 & 3.

Mr. Sandip Kr. Bhattacharya
....for the Respondent Nos. 4 and 5.

By consent of the parties, the appeal and the application are taken up together for hearing.

The appellants/writ petitioners approached the learned Single Judge with the grievance, inter alia, that the private respondents have wrongly obtained sanction of a building plan and pursuant thereto are constructing on the land in question. The writ petitioners prayed for an order directing the Chandernagore Municipal Corporation to cancel the sanctioned plan.

The learned Judge noticed that a civil suit is pending between the parties. Accordingly, the learned

Judge refused to interfere and dismissed the writ petition.

We have heard learned Counsel for the parties. We do not find any apparent infirmity in the order under appeal. The appellants contend that the plan in question ought not to have been sanctioned. The West Bengal Municipal Corporation Act, 2006 provides a statutory platform for ventilation of such grievance. If the appellants are so advised, they may take recourse to such remedy. We have not gone into the merits of the case at all. The order under appeal does not warrant interference.

Since we have not called for affidavits, the allegations in the stay petition are deemed not to be admitted by the respondents.

The appeal being MAT 418 of 2021 along with IA CAN 1 of 2021 are, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)