

Sl. No.18
22.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 7778 of 2022

Smt. Mohua Santra
Versus
The Bally Municipality & Ors.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
Ms. Dipanwita Ganguly
Mr. Koustav Bhattacharyya
... for the petitioner

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
... for the respondent nos.1 and 2

Mr. Alok Kumar Ghosh
Ms. Moumita Ghosh
... for the private respondent

The petitioner alleges illegal and unauthorised construction at the instance of the respondent no.6 in premises no.1/A, Banku Bihari Ghosh Lane, Ward No.11, Howrah within the jurisdiction of Bally Municipality.

Learned advocate representing the respondent no.6 has filed an affidavit annexing copy of the occupancy certificate issued on 01/03 November, 2010.

Learned advocate representing the Bally Municipality has submitted a report allegedly signed by the Assistant Engineer Debdas Dey dated 10th May, 2022 which mentions that the owner of the building holds a

G+3 sanctioned plan. The building has been completed and is completely occupied.

The report further mentions that the owner of the building deviated in all sides from the sanctioned building plan.

The Court fails to understand that how can occupancy certificate be issued by the Municipality if there are deviation in all the sides.

The Bally Municipality is accordingly directed to make a site inspection upon giving prior notice to all the parties and to inspect the records of the case once again to ascertain as to whether there has been deviation or not. The extent and details of the deviation, if any, be intimated to the parties.

The Municipality is directed to take all necessary steps to remove the unauthorised portion of the building in accordance with law, after giving reasonable opportunity of hearing to all the parties to rely upon all documents in their support.

The entire exercise be concluded by the Municipality positively within a period of four months from the date of communication of this order.

Reply to the affidavit in opposition be retained with the records.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)