

04
22.09.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 7574 of 2019

**Pradip Kumar Singha Mahapatra
-versus
Midnapore Municipality & Ors.**

**Mr. Subrata Mukhopadhyay,
Ms. Kakali Dutta,
Mr. Subhajit Das.
...For the Petitioner.**

**Mr. Sujay Bandyopadhyay,
Mr. Shambhu Mahato,
Mr. Jaga Jyoti Das.
...For the Municipality.**

**Mr. Sudeep Sanyal,
Mr. Sukanta Das,
Ms. Lopamudra Maitra.
...For the Respondent No.6.**

The petitioner filed the writ petition praying for a direction upon the respondent authorities to take steps against the construction that is being made without obtaining the sanction plan and for demolition of the construction that has been made without the sanction plan.

The petitioner was intimated on an earlier occasion under the Right to Information Act that no plan was sanctioned for making construction.

An affidavit has been filed by the Sub-Assistant Engineer of the Midnapore Municipality affirmed on 1st September, 2022 wherein it has been disclosed for the

first time that a building plan was sanctioned prior to permitting the conversion of the classification of the land in question. The plan was sanctioned vide PW No. 613 dated 19th January, 1999 and the conversion of the classification of the land was made in 2020 vide No. 463 dated 3rd March, 2020.

In view of the averments made by the Sub-Assistant Engineer of the Municipality, the primary allegation of the petitioner that construction was being made without a sanction plan remains unsubstantiated.

Learned advocate appearing for the private respondents submits, upon instructions, that the construction was made in accordance with the plan sanctioned in the year 1999.

Whether the plan was sanctioned upon misrepresentation or not is a different issue altogether. The said issue is not presently before the Court.

It will be open for the petitioner to raise allegation, if any such issue arises with regard to the sanction of the building plan.

At this stage in the present writ petition, no relief can be granted to the writ petitioner.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)