

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

W.P.A. 8398 of 2022S

**Smt. Rekha Maitra & Ors.
-versus
South Dum Dum Municipality & Ors.**

**Mr. Tanmoy Mukherjee,
Mr. Emon Bhattacharya,
Ms. Pooja Sah,
Mr. S. Roy.
...For the Petitioners.**

**Mr. N.C. Bihani,
Ms. P. B. Bihani,
Mr. Soumya Mukherjee,
Mr. Kshitij Singh.
...For the Municipality.**

The petitioners allege illegal construction at the Premises No. 253, Debinibas Road, Kolkata-700074, Ward No.22 under the jurisdiction of the South Dum Dum Municipality.

Learned advocate appearing for the Municipality has handed over a photocopy of the inspection report signed by the Sub-Assistant Engineer on 1st August, 2022.

The report mentions that the said premises was inspected in the presence of Sri Ram Pada Jana and Smt. Rekha Maitra and others.

As per sanction, a G+3 storied building has been permitted to be constructed in accordance with the sanctioned plan.

According to the Municipality, there has been deviation of 23% in the ground floor and 46% in the 1st, 2nd and 3rd floors. The total cover area as per the sanctioned plan is 150.00 sqm. but the same has been constructed to the extent on 210.313 sqm. There has been 40% of deviation in the total cover area corresponding to 60.313 sqm.

As it appears from the inspection report that the Municipality has detected deviation in the construction that has been made, accordingly, the Municipality is directed to take necessary steps to deal with the same in accordance with law, at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

However, the matter is directed to appear in the list once again on **4th August, 2022** under the heading **“To Be Mentioned”** for production of the original inspection report signed by the Sub-Assistant Engineer on 1st August, 2022.

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

(Amrita Sinha, J.)