

01.03.2022

Sl. No. 18

Court No.19

B.M.

WPA 12274 of 2021

Amitava Guha

Vs.

The Bidhannagar Municipal Corporation & Ors.

(Via Video Conference)

Mr. Debanik Banerjee

Ms. Smita Mukherjee

Mr. Akash Ganguly

... for the petitioner

Mr. Debabrata Saha Ray

Mr. Arka K Nag

Mr. Subhankar Das

... for the Bidhannagar Municipal Corporation

The petitioner is aggrieved by a communication issued by the Executive Engineer (Building Plan), Bidhannagar Municipal Corporation. The corporation intimated the petitioner that the request of the petitioner for sanction of a revised plan could only be entertained unless the petitioner submitted a fresh building plan containing signatures of all the co-lessees. The property in question is a residential building situated at Plot No.DA-36, Sector-I, Salt Lake, Kolkata-700 064.

The property is an undivided property. The contention of the Corporation is that until and unless there is a demarcation of the respective shares of the co-lessees by way of a partition, the revised plan in respect of said building could not be entertained as the Corporation is not in a position to ascertain whether the petitioner at all is residing or using the portion over which further construction is contemplated.

Mr. Banerjee, appearing on behalf of the petitioner submits that there has been a family settlement amongst

the heirs of late Dr. Amiya Chandra Guha who was the original lessee in respect of the plot in question. That the parties have respected the said amicable settlement and have been enjoying their respective portions in the said building.

However, it is not possible for the Corporation to ascertain such submission in the absence of any document to show that a family settlement/partition had been effected and the petitioner has been enjoying his exclusive demarcated portion.

Under such circumstances, the writ petition is disposed of without any order. If the petitioner complies with the necessary requirements of the Corporation, the Corporation shall act in accordance with law. The petitioner will be at liberty to approach the Corporation with better particulars with regard to the alleged partition. If such approach is made, the Corporation will proceed in accordance with law upon intimation to all the co-lessees.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

(Shampa Sarkar, J.)