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14.11.2022
d.p.

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

W.P.A 12895 of 2021

**Sri Ashoke Kumar Kar
-versus
The State of West Bengal & Ors.**

**Mr. Sanjay Mukherjee.
...For the Petitioner.**

**Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Tirthankar Dey.
...For BMC.**

**Mr. Asish Kumar Guha,
Mr. Swapan Kumar Pal.
...For the State.**

**Mr. Srijib Chakraborty,
Mr. Aditya Mondal,
Mr. Deeptangshu Kar.
...For the Respondent
Nos. 10 and 11.**

Show Cause notice dated 31st March, 2022 filed in Court today is taken on record.

Learned advocate appearing for the petitioner complains of illegal and unauthorized construction at the Premises at CA-1/9, Deshbandhunagar, Block-G-155, Jyangra, Ward No.-10 under the Bidhannagar Municipal Corporation.

According to the petitioner, the respondent Nos. 10 and 11 who are the developers of the said property

are making construction devoid the sanction plan. Further submission is that the construction is being made in deviation of the building rules.

The petitioner alleges that the representation filed before the Bidhannagar Municipal Corporation is pending consideration till date.

Learned advocate appearing for the respondent Nos. 10 and 11 denies the contention of the petitioner.

It has been submitted that the plan in question was sanctioned in favour of the petitioner and the respondent Nos. 10 and 11 are making construction in accordance with the said plan.

It has further been contended that the construction is long over and no further construction is being made thereon.

Reference has been made to the representation dated 11th September, 2020 filed by the petitioner before the Inspector-in-Charge, Baguihati Police Station that there is a dispute with regard to non-payment of the consideration amount. The same has nothing to do with the allegation of unauthorized construction.

It has been contended that a Suit for specific performance of contract is pending adjudication before the learned Court below.

Learned advocate appearing for the Bidhannagar Municipal Corporation submits that on receipt of the representation from the petitioner, the Corporation has issued a show cause notice to the private respondents

to produce self-attested copy of all documents in supporting of the construction made.

It has been submitted that the required documents are yet to be submitted before the Corporation.

It appears from the submissions made on behalf of the parties that the Bidhannagar Municipal Corporation has already taken steps in response to the objection filed before the Corporation. Show Cause notice has already been issued.

A photocopy of the Show Cause notice dated 31st March, 2022 signed by the Executive Engineer, Bidhannagar Municipal Corporation has been handed over in Court today to the learned advocate appearing on behalf of the petitioner as well as the respondent Nos. 10 and 11.

It will be open for the parties to respond to the said notice within a fortnight from date.

The Bidhannagar Municipal Corporation shall take further steps in the matter to arrive at a logical conclusion to the objection filed by the petitioner.

Final order be passed after giving an opportunity of hearing to both the parties at the earliest, but positively within a period of eight weeks from the date of receipt of all the documents by the Bidhannagar Municipal Corporation.

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.)