

04
29.07.2022
d.p.

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

W.P.A. 14092 of 2022

**Debabrata Sarkar
-versus
The Balurghat Municipality & Ors.**

**Mr. Rabindra Nath Datta.
...For the Petitioner.**

**Mr. Srijan Nayak,
Ms. Rituparna Maitra.
...For the Municipality.**

Affidavit-of-service filed in Court today is taken on record.

The grievance of the petitioner is that the plan proposal which was submitted before the Balurghat Municipality on 29th May, 2022, has not been sanctioned till date.

It has been submitted that an enquiry and scrutiny was conducted by the Municipality and the Municipality was satisfied with the plan proposal, but even thereafter, the authority did not take steps for sanctioning the building plan.

The petitioner relies upon an order dated 5th April, 2022 by the Special Secretary, Department of Urban Development and Municipal Affairs mentioning that the Municipality shall sanction the building plan within fifteen days in terms of the notification dated

16th October, 2020 issued under the provisions of the West Bengal Right to Public Services Act, 2013.

The petitioner made a representation before the Chairman of the Municipality on 21st June, 2022 and alleges that the same has not been considered till date.

Learned advocate appearing for the Municipality submits, upon instructions, that the plan proposal could not been considered as the Board of Councillors of the Municipality was not available.

The reason forwarded by the Municipality for not considering the plan proposal submitted by the petitioner on 29th May, 2022 cannot be accepted.

In view of the notification of the Urban Development and Municipal Affairs Department mentioning that under the provisions of the West Bengal Right to Public Services Act, 2013, the Municipality ought to sanction the building plan within fifteen days.

It was the incumbent duty of the Municipality to intimate the petitioner the fate of the plan proposal submitted by him. The reason for non-consideration of the plan proposal also ought to have been intimated to the petitioner.

The Municipality under no circumstances could have simply sat tight over the matter for a considerable period of time.

In view of the above, the instant writ petition is disposed of by directing the Board of Councillors of the Balurghat Municipality to take steps to consider the

plan proposal submitted by the petitioner for sanction, strictly in accordance with law, at the earliest, but positively within 12th August, 2022.

The Municipality shall intimate the petitioner the fate of the plan proposal submitted by him immediately thereafter.

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.)