

Sl. No.21
26.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A 18710 of 2021

Narayan Banerjee
Versus
The State of West Bengal & Ors.

Mr. Tapas Kumar Dey
... for the Petitioner
Mr. Rameshwar Sinha
... for the respondent nos.6 & 7
Mr. Jay Chakraborty
... for the respondent nos.8 to 11
Mr. Ayan Banerjee
Ms. Debasree Dhamali
... for Bally Municipality

The petitioners alleges that the adjacent premises owner is making construction in deviation of the plan that has been sanctioned without leaving the mandatory side open spaces.

The petitioner complains that Bally Municipality is not taking any steps to consider the objection filed by the petitioner in October, 2021.

Learned advocate representing the private respondents denies the allegation of the petitioner.

Learned advocate representing the Bally Municipality has received instruction wherefrom it appears that in holding No.59, Thakur Ram Krishna Lane, Ward No.11, the owner constructed G+1 storied concrete structure. Columns in the first floor are already

constructed and the roof shuttering work is also complete above the first floor. There is a G+2 storied building plan. The structure has literally deviated from the sanctioned plan. A stop work notice has been issued on 3rd February, 2022.

In view of the instruction received from Bally Municipality, the instant writ petition is disposed of by directing the Municipality to take all steps to deal with the construction that has been made in deviation of the plan sanctioned. Steps shall be taken in the matter in accordance with law after giving reasonable opportunity of hearing to the petitioner and the private respondents at the earliest but positively within a period of twelve weeks from the date of communication of this order. A reasoned order shall be passed and communicated to the parties.

Affidavit of service and instruction given by the Bally Municipality be retained with the records.

Writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)