

OD-3

ORDER SHEET

WPO No. 3002 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BIPLOB CHOWDHURY
Versus
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 12th December, 2022.

Appearance:
Mr. Rabindra Kr. Jaiswal, Adv.
..for Petitioner.

Mr. Gopal Chandra Das, Adv.
Ms. Manisha Nath, Adv.
...for KMC.

Mrs. Sipra Majumder, Adv.
Mrs. Debarati Sen (Bose), Adv.
..for State.

Mr. R. Ghosh, Adv.
Mr. S. Chakraborty, Adv.
..for Respondent No.6.

The Court:- The petitioner being neighbour of the premises No.20/49/2, B. B. Ghosh Sarani, Ward No.32, Br.-III of the Kolkata Municipal Corporation has alleged that the purchaser of the aforesaid premises has made construction in deviation of the plan sanctioned.

Learned advocate appearing on behalf of the private respondent denies the allegation of the petitioner. It has been submitted that construction has been made in accordance with the plan sanctioned by the Kolkata Municipal Corporation.

Learned advocate appearing on behalf of the Kolkata Municipal Corporation has filed a report before this Court signed by the Sub-Assistant

Engineer (Civil), Assistant Engineer (Civil), Executive Engineer (Civil)/Building Department, Br.-III, Kolkata Municipal Corporation on 8th December, 2022 mentioning that the premises was inspected on 8th December, 2022 and it was found that construction has been made as per sanctioned permit by replacing old existing stair with new stair and stair head room within the existing covered area of existing old building with some internal changes and installation of a lift well.

The report does not mention that any construction has been made in deviation of the sanctioned permit.

Since the allegation of the petitioner alleging unauthorized construction remains unsubstantiated, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Instruction provided by the engineers of the Kolkata Municipal Corporation signed on 8th December, 2022 be retained with the record.

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

Report filed by the Officer-in-Charge, Manicktala P.S. is taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)