

3.
31-03-2023
debajyoti
(Ct. no.24)

WPA 262 of 2020

**Smt. Radharani Naskar & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal,
Mr. Shuvadeep Paul

... For the Petitioners.

Mr. Ziaul Islam,
Mr. A. H. Molla

... For the State.

Mr. Sauradeep Dutta,
Mr. Riju Bhowmik,
Ms. Mina Biswas

... For the Municipality.

Mr. Kushal Chatterjee,
Ms. Nibedita Mukherjee

... For Respondent No.6.

The writ petition was filed in the year 2020 with a prayer directing the Municipality to alter the sanctioned plan by removing the passage and to maintain *status quo* till the disposal of the writ petition.

Today, the position is that the construction is complete. Possession of the constructed portion has also been handed over.

At this stage, the prayers of the petitioners, especially for alteration of the sanction plan, cannot be allowed at all.

Presently, submission is made that the construction has been made without maintaining the mandatory side open spaces.

It will be open for the petitioners to raise appropriate objection before the Municipality giving details of the alleged unauthorized construction. In the event such representation is made, the same shall be considered by the Municipality in accordance with law after giving reasonable opportunity of hearing to all the necessary parties. A reasoned order shall be passed and communicated to all the parties.

The writ petition is, thus, disposed of.

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

(Amrita Sinha, J.)