

Item No. 5

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

20.03.2023
Ct-24

WPA 1214 of 2022
Parbangla Kalyan Samiti & Anr.
v.
The State of West Bengal & Ors.

Mr. Chittapriya Ghosh
Mr. Kuntal Ray
Mr. Goutam Achariya
... for the petitioners.

Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly
... for the State.

Mr. Raghunath Chakraborty
Mr. Mehboob Ahmed
Mr. Sabnam Sultana
... for the respondent nos. 3 to 6.

Mr. Somnath Ray Chowdhury
... for the respondent no. 8.

The petitioner no.2 complains of illegal and unauthorized construction at the instance of the private respondent.

In compliance of the direction passed by the Court a spot inspection was conducted by the Municipality. The parties were present at the time of spot inspection. The inspection report has been placed in Court.

It appears therefrom that there exists a building in the name of the father of the private respondent. The building in question was constructed in accordance with the sanctioned plan dated September 16, 2002. The private respondent approached the Municipality for certain additions to the sanctioned building and

accordingly, a plan was sanctioned by the Municipality in the year 2016.

The Municipality failed to detect any unauthorized construction at the instance of the private party.

Learned advocate representing the private respondent submits that the present writ petition is a counterblast of the earlier writ petition filed by the private respondents alleging unauthorized construction of mobile tower at the instance of the present petitioners.

The Municipality passed order for dismantling the mobile tower. Out of grudge and vengeance the present writ petition has been filed.

From the submissions made on behalf of the parties and upon perusal of the materials placed before this Court it appears that the allegation of unauthorized construction made by the petitioners remains unsubstantiated.

In view of the above, no relief can be granted to the petitioners in the instant writ petition.

The writ petition fails and is hereby dismissed.

The instruction given by the Municipality be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)