

Item No.356

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

30.08.2023
Ct-24

WPA 2253 of 2023
Sri Sanjay Kumar Sharma
v.
State of West Bengal & Ors.

Mr. Ranojoy Chatterjee
Mr. Tamal Singha Roy
... for the petitioner.

Ms. Sonal Sinha
Mr. Avishek Prashad
... for the Municipality.

The petitioner is aggrieved by the act on the part of the English Bazar Municipality in issuing notice to the petitioner to cause spot inspection of the construction of the building on information that the construction has been made in deviation of the sanctioned plan.

It appears that Completion Certificate was issued in favour of the petitioner. The petitioner approached this Court on an earlier occasion by filing WP No. 30818(W) of 2014. The Court dismissed the said writ petition on July 10, 2018 as 'not pressed' recording that the construction made by the petitioner has been regularized by the Municipality.

After the Municipality has regularized the construction made by the petitioner, there is hardly any requirement for causing spot inspection of the selfsame construction which was initially held to be unauthorized.

In view of the above, the Municipality is restrained from proceeding any further with the impugned notice.

The petitioner will, however, not make any construction in deviation of the plan that has been sanctioned by the Municipality.

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.

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(Amrita Sinha, J.)