

D/L
Item No. 12
13.03.2023
KOLE

**MAT 216 of 2023
With
IA No. CAN 1 of 2023**

**Biswanath Mondal
-Vs.-
The State of West Bengal & Ors.**

Mr. Rabindra Kumar Jaiswal,

...for the appellant.

Mr. Sirsanya Bandopadhyay,

Mr. T. Dey,

Mr. A. K. Nag,

...for the Municipality.

Mr. Kamalesh Jha,

Mr. A. Saha,

...for the private respondent.

By consent of the parties the appeal and the application are taken up for hearing together.

Read order dated March 2, 2023.

The appellant contended that a building plan was sanctioned in his favour by the competent authority. His construction is not without sanction. On the last occasion a copy of what the appellant claimed to be the sanctioned plan was made over to learned Advocate for the Corporation for obtaining necessary instructions.

Today a report has been filed, signed by the Executive Engineer of the Corporation, the relevant portion whereof reads as follows:

“At the time of hearing of MAT 216 of 2023 before the Hon’ble Division Bench the appellant produced one building plan and the same was handed over to the Ld. Advocate of Bidhannagar Municipal

Corporation. After scrutiny of the same it appears that a building plan was issued in favour of the appellant namely Biswanath Mondal by the erstwhile Rajarhat Gopalpur Municipality. But without any site inspection it is not possible to ascertain the deviations, if any, from the sanctioned building plan.”

Let such report be kept with the records.

It, therefore, appears that a building plan was sanctioned in favour of the appellant by the erstwhile Rajarhat Gopalpur Municipality within the territorial limits of which the concerned construction has been made. The Rajarhat Gopalpur Municipality and the Bidhannagore Municipality have amalgamated to become what is today the Bidhannagore Municipal Corporation. The competent officers of the Corporation shall inspect the construction raised by the appellant to find out if the same is in accordance with the sanctioned plan. If any deviation is noticed, appropriate steps will be taken by the Corporation for removal of such deviation. Let this exercise be carried out within a period of one month from the date of a copy of this order being communicated to the competent authority in the Corporation. We make it clear that the inspection shall be made by the Corporation in the presence of the appellant and the private respondents and/or their authorized representatives. In the event, any demolition order is passed, the same shall be done only after affording an opportunity of hearing to the appellant and the private respondents and/or their authorized representatives.

Since we have not called for affidavits, the allegations made in the stay application, are deemed not to be admitted by the respondents.

The appeal and the connected application are, accordingly, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Apurba Sinha Ray, J.) (Arijit Banerjee, J.)