

29.08.2023
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AN/Ct. No.07

WPA 3293 of 2019

**Saugata Chakraborty
versus
The Baranagar Municipality & ors.**

Mr. Anjan Ray
Mr. Subhajit Chowdhury
Mr. Souvanik Mahapatra

... for the petitioner

The petitioner complains of an illegal and unauthorized construction at premises no. 9/1, Kali Charan Ghosh Road, Kolkata-700 050.

Learned counsel appearing for the petitioner draws the attention of the Court to the application filed by the petitioner under Section 6(1) of the Right to Information Act, 2005 and the answers given by the State Public Information Officer in reply to such queries. After going through the information sought for and the answers given to such queries, it appears to this Court that the mandatory side space as per the rules may not have been maintained by the private respondent while raising construction at premises no. 9/1, Kali Charan Ghosh Road, Kolkata-700 050. In reply to the query as to whether the construction work is being carried on maintaining the proper height in each floor, the State Public Information Officer replied in the negative.

Thus the petitioner has made out a case for a direction to be passed upon the Municipal Authority. This Court, therefore, directs the authorities of the Baranagar Municipality to depute a competent official who shall cause an inspection of the premises in question being no. 9/1, Kali Charan Ghosh Road, Kolkata-700 050 upon serving advance notice to the writ petitioners and the private respondent and if upon such inspection it is found that construction has been made in violation of the sanction plan or the building rules to take appropriate steps in accordance with law as expeditiously as possible but positively within a period of four weeks from the date of communication of the server copy of this order.

With the above observations, the writ petition stands **disposed of**.

There will be no order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Hiranmay Bhattacharyya, J.)