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Ct No **2023**
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AGM

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 5398 of 2021

**Rita Naskar
Vs
The State of West Bengal & Ors.**

Mr. Gazi Faruque Hassain
Ms. Priyanka Mondal
... For the petitioner.

Ms. Nibedita Mukherjee
Mr. Debrup Chowdhury
... For the respondent no. 8.

Mr. Sauradeep Dutta
Mr. Riju Bhowmik
Ms. Mina Biswas
... For the Municipality.

Mr. Dhananjoy Banerjee
Ms. Oindrila Ghosh
... For the respondent no. 9.

Ms. Anita Deb Jana ... For the State.

The petitioner prays for a direction upon the municipal authority to rescind, cancel or withdraw the revised sanctioned building plan granted in favour of the private respondent no. 9.

The learned advocate representing the respondent no. 9 submits, upon instruction that, the construction was made in accordance with the revised sanctioned plan and there is no deviation.

It appears that the revised plan was sanctioned long back. The construction is also over. The constructed area has been sold off in favour of prospective buyers. At this

stage the prayer of the petitioner for cancellation of the revised sanctioned plan cannot be accepted. The petitioner ought to have approached the Court in proper time.

If there is any deviation from the sanctioned plan, then it will be open for the petitioner to raise appropriate objection before the Municipality giving details of the alleged unauthorised construction. If 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 the parties.

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.

(Amrita Sinha, J.)