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Ct No 2023
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AGM

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

WPA 5751 of 2023

**Sri Chandan Kumar
Vs
The State of West Bengal & Ors.**

Mr. Chandradoy Roy
Mr. Partha Sarathi Maitra
... For the Petitioner.

Mr. Arijit De ... For the Municipality.

Mr. Jahar Datta
Mr. Bipin Ghosh ... For the State.

Mr. Sanjib Das ... For the respondent no. 10.

Mr. Shaunak Ghosh
Mr. Partha Sarathi Ghosh
Ms. Shreyashi Maity
Mr. Biswaroop Ghosh
Ms. Sonia Mukherjee
... for the private respondent.

Affidavit-of-exception filed in Court today be kept with the records.

A report has been filed by the Sub Assistant Engineer, Baranagar Municipality signed on 3rd July, 2023.

It appears therefrom that the premises in question was inspected and it was found that the side open spaces have been partially infringed at the time of making construction.

Notice under Section 220 (1) of the West Bengal Municipal Act, 1993 has been issued to the owner on 27th September, 2022.

The Board of Councillors, Baranagar Municipality thereafter condoned the deviation by holding the same to be minor in nature.

The petitioner is aggrieved by the same.

It appears from the prayers made in the writ

petition that the order of regularization of the deviated portion has not been challenged in the present writ petition.

The said order is an appealable one. There is a statutory forum for preferring the appeal.

It will be open for the petitioner to approach the statutory forum for relief, if so advised.

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.)