

Item No 29.03
09 2023
Ct No 24
AGM

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

WPA 8327 of 2021

**Sri Sanjib Kumar Ghosh & Anr.
Vs
South Dum Dum Municipality & Ors.**

Mr. Malay Kumar Das,
Mr. Sourav Chatterjee, ... For the petitioners.

Ms. Mousumi Bhowal,
Mr. Ishan Bhattacharya,
... For the South Dum Dum Municipality.

Mr. Gopal Chandra Mondal,
... For the Respondent No. 4.

The grievance of the petitioners is that the private respondent nos. 4 and 5 being the developers of the subject property on the strength of a sanction plan for raising construction of G+3 storied building is intending to construct an additional floor and has, accordingly, raised pillars on the roof of the third floor.

Photographs of the subject property have been placed before this Court. It appears therefrom that there are several pillars standing in the third floor roof.

Learned advocate representing the respondent no. 4 being one of the developers of the subject property submits oral undertaking before the Court that no construction will be raised beyond the sanctioned plan.

The report of inspection filed by the South Dum Dum Municipality signed by the Sub Assistant Engineers and the Chairperson on 28.03.2023 be retained with the records.

The writ petition is disposed of by directing the South Dum Dum Municipality to ensure that no unauthorised construction takes place at the subject premises.

It will be open for the petitioner to draw the attention of the Municipality in the event any unauthorised construction is made at the instance of the private respondents.

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.)