

02
03.05.2023
d.p.

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

W.P.A 9292 of 2022

**Sukumar Pradhan
-versus
The State of West Bengal & Ors.**

**Mr. Anindya Bose,
Mr. Amit Gupta.
...For the Petitioner.**

**Mr. Tirthankar Dey,
Mr. Arka Kumar Nag.
...For BMC.**

**Ms. Sima Ahikari,
Ms. Kakali Naskar.
...For the State.**

None appears on behalf of the private respondents in spite of service.

The un-served postal envelopes addressed to the private respondents filed in Court today be taken on record, however, after returning the copy of the writ petition sought to be served upon the private respondents.

The petitioner is apprehensive that the private respondents may initiate construction on the basis of the plan that may be sanctioned by the Bidhannagar Municipal Corporation in respect of the property in connection with which a title suit is pending. This Court in C.O. 876 of 2021 by order dated 23rd June, 2021 was pleased to restrain the opposite parties from

changing the nature and character of the suit property as well as restraining them from creating any third party interest and/or encumbrance of the same till the disposal of the appeal.

It has been submitted that the Title Suit No. 629 of 2020 is pending before the Learned Civil Judge, Senior Division, Second Court at Barasat and Misc. Appeal bearing No.06 of 2021 is pending before the Additional District and Sessions Judge, Fourth Fast Track Court at Barasat.

It appears that no construction has yet been made and accordingly, the question of changing the nature and character of the suit property does not arise at all.

The petitioner merely apprehends that the Bidhannagar Municipal Corporation may grant sanction to the plan proposal allegedly filed by the private respondents.

There is nothing on record to suggest that such a plan proposal seeking sanction of building plan has been submitted before the Bidhannagar Municipal Corporation.

The writ petition appears to be filed out of apprehension without any supporting document.

Accordingly, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)