

ML 20
17.07.2023
CT No. 15
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W.P.A. 9541 of 2015

**Sri Nani Gopal Sen
Vs.
The State of West Bengal & Ors.**

Mr. Sanjib Das
....for the petitioner

**Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag**
...for the BMC

**Ms. Surajit Biswas
Mr. Arijeet Bera**
...for the respondent no. 13

The writ petition is taken up for consideration pursuant to the order dated 13th June, 2023 when a short report dated 27th June, 2023 prepared by the Executive Engineer and Assistant Engineer, Bidhannagar Municipal Corporation is filed before this Court which is taken on record.

The writ petition was filed, *inter alia*, praying for demolition of construction made by the private respondents upon encroachment of land of the petitioner.

During course of hearing on 13th June, 2023 respondent no. 13 produced original sanctioned plan before this Court and according to respondent no. 13 based on such sanctioned plan construction was made at the site in question.

Having found that a plan was sanctioned by the concerned authority this Court directed the learned advocate for the respondent no. 13 to make over copy of the sanctioned plan to the learned advocate representing Bidhannagar Municipal Corporation for verification and submission of report. On supply of sanctioned plan which was produced before this Court on 13th June, 2023 today aforesaid report has been filed wherefrom it appears that concerned authority of Bidhannagar Municipal Corporation has stated in the report that the plan vide No. 1194/08-09 has been checked with records and seems to be genuine.

This Court has made query to the learned advocate representing Bidhannagar Municipal Corporation that why with certainty the genuineness of the sanctioned plan has not been certified in the report dated 27th June, 2023 when the learned advocate representing the corporation submits that when plan was sanctioned the concerned authority which was empowered to sanction plan was Rajarhat Gopalpur Municipality not Bidhannagar Municipal Corporation. Therefore, according to Bidhannagar Municipal Corporation based on available records which were supplied by Rajarhat-Gopalpur Municipality at the time of merger the sanctioned plan had to be examined. Therefore, it has been recorded in the report that on checking the records it seems to be genuine.

Since the sanctioned plan as indicated in the report dated 27th June, 2023 is not subject matter of challenge in the present writ petition the relief as prayed for by the petitioner cannot be granted.

The copies of the report dated 27th June, 2023 have been made over to the learned advocate representing the petitioner and respondent no. 13

Accordingly, the writ petition stands disposed of without passing any further order.

However, this order shall not preclude the petitioner to take steps in accordance with law, if so advised.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)