

Item No.5
03.05.2023
Court. No. 19
GB

WPA 11619 of 2022

Sri Dinabandhu Ghosh
Vs
The State of West Bengal & Ors.

Mr. Arnab Mandal

...for the Petitioner.

*Mr. Susanta Pal,
Ms. Ananya Neogi*

...for the State.

Mr. Falguni Majhi

...for the Respondent Nos.3 & 4.

Mr. Uttiya Ray

...for the Respondent Nos.5 & 6.

The learned advocate for the Burdwan Development Authority appears before the Court and submits that the development authority does not have any objection to the construction of the petitioner. Reliance is placed on Annexure-P11 of the writ petition, which is a communication made to the Sabhadhipati, Purba Bardhaman Zilla Parishad by the Chairperson, Burdwan Development Authority, Purba Bardhaman dated March 23, 2022. The development authority found that the proposed construction of the third floor of the petitioner on Plot No.2383 (P) corresponding to L.R. Khatian No.8060 could continue, as the documents were in place. Hence, the Zilla Parishad was asked to withdraw the notice of stop work.

Mr. Ray, learned advocate appearing on behalf of the Purba Bardhaman Zilla Parishad submits that as there was some confusion as to whether the petitioner had already obtained a no objection from the development authority or

not, the stop work notice was issued. An objection was also received.

As the development authority does not have any objection and the Purba Bardhaman Zilla Parishad had already granted a sanction, the petitioner should be allowed to complete the construction, strictly in accordance with the sanction plan. The height of the building being more than 6.5 metres, the Purba Bardhaman Zilla Parishad was the appropriate authority to grant the sanction. The same was done. Later, a stop work notice was issued under some misconception that permission from the Burdwan Development Authority had not been taken. The authority does not have any objection to such construction. Hence, the construction shall continue strictly in accordance with the sanction. However, if in future, there is any deviation from the plan or violation of the rules, the Zilla Parishad will be free to take appropriate steps in respect of the construction. The stop work notice has now become infructuous.

The police report is taken on record.

In compliance of the order of this Court, the Zilla Parishad and the development authority were informed by the Inspector-in-Charge, Burdwan Police Station of the pending litigation.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)