

03. 16.03.2023
bd. Ct.15

W.P.A. 19380 of 2005
CAN 2/2007 (Old CAN 546/2007)

Biswanath Mukherjee & Ors.

-vs-

The Chairman, Rajarhat-Gopalpur Municipality &
Ors.

Mr. Sandip Ghosh
... for the petitioners.

Mr. Sirsanya Bandopadhyay
Mr. Arka Kuman Nag
Mr. Tirthankar Dey
... for the BMC

Mr. Sanjoy Mukherjee
Mr. Suvradal Chowdhury
Mr. Dipayan Chowdhury
... for respondent no. 5

The writ petition is taken up for consideration today when Mr. Ghosh, learned advocate representing the petitioners submits that in spite of making continuous effort to obtain instructions from the petitioners till date he has not received any instruction, as a result he has submitted that he is retiring from this matter.

It also appears that the matter was taken up for consideration on 28th February, 2023 when no one appeared for the petitioners. However, Bidhannagar Municipal Corporation and the respondent no. 5 were represented by the learned advocates. Learned advocates representing BMC and the respondent no. 5 have made their respective submissions today.

Mr. Banerjee, learned advocate representing

Bidhannagar Municipal Corporation has drawn attention of this Court to the report dated 30th January, 2023 of the Assistant Engineer, BMC, wherefrom it appears that the corporation found certain deviations with regard to the constructions carried out by respondent no. 5 on the ground floor of four blocks.

Since it appears that the petitioners are not interested to proceed with the matter this Court is disposing of the writ petition granting leave to Bidhannagar Municipal Corporation to proceed in accordance with law based on the report dated 30th January, 2023, if it is found that the constructions which have been carried out on the ground floor of four blocks is not based on sanctioned plan. Application, if any pending, also stands disposed of. However, 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.)