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Ct No 2023
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AGM

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

WPA 21339 of 2021

**Smt. Subhra Dey & Ors.
Vs
The Kolkata Municipal Corporation & Ors.**

Mr. Arun Shaw

... For the Petitioners.

Mr. Manas Kundu

Mr. Debabrata Mondal

... For the State.

Mr. Ranajit Chatterjee

Mr. Subhrangsu Panda

... for the K.M.C.

Mr. Souvik Kundu

... For the Private respondent.

The plan proposal submitted by the petitioners for construction of toilet in the first floor level of the premises No. 14A, Becharam Chatterjee Lane, Ward No. 17, Borough – II under the jurisdiction of KMC stood rejected by the Deputy Chief Engineer (Civil)/Building/ North Building Department dated 26th February, 2021 on the ground that the said plan proposal has not been filed in conformity with the conditions laid down under the Office Circular no. 09 of 2013-14 dated 30th December, 2013. The said proposal was also not signed by all the owners of the subject premises.

Officer Circular no. 09 of 2013-14 has been filed by the Corporation by way of affidavit wherefrom it appears that there are certain conditions which are to be fulfilled and procedure to be followed for sanction of small

repairing works including the construction of small toilet.

In the event the petitioners intend to construct a toilet, then the provisions of the Office Circular no. 09 dated 30th December, 2013 is liable to be followed.

Learned advocate representing the petitioners submits that his client will file fresh plan proposal before the KMC in accordance with the conditions laid down in the Office Circular no. 09 of 2013-14.

In view of the above, there is no requirement for interfering with the impugned order of rejection of the petitioners' plan proposal. It will be open for the petitioners to apply for sanction in accordance with the Office Circular no. 09 of 2013-14.

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.)