

Item No.21

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

12.04.2023
Ct-24

WPA 20678 of 2022
Saugata Gupta

v.

The State of West Bengal & Ors.

Mr. Triptimoy Talukder
Mr. Diptomoy Talukder
Mr. Abhiraj Tarafdar
Mr. Swapan Kumar Bhattacharya
... for the petitioner.

Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag
Mr. Souvik Naiya
... for BMC.

Mr. Vinay Kumar Purohit
... for the respondent nos. 5 to 7.

The petitioner complains of illegal and unauthorized construction at BH-30, BH-Block, Sector-II, Salt Lake, Kolkata-700091 under the jurisdiction of the Bidhannagar Municipal Corporation.

The petitioner is presently residing at Dubai. The property in question is a joint property of the petitioner and the private respondents.

According to the petitioner, the private respondents are making structural changes in the subject premises without obtaining sanction from the Bidhannagar Municipal Corporation. The petitioner claims to have made objections before the authorities

and alleges that none has been taken up for consideration.

Learned advocate representing the private respondents denies the allegation of the petitioner. It has been submitted that the private respondents are residing at the said premises. The construction is an old one and to make the building habitable, necessary repairing works have been done. The allegation of unauthorized construction is denied.

On a perusal of the averments made in the writ petition and the objections filed by and on behalf of the petitioner it appears that the details of the unauthorized construction as alleged by the petitioner are not mentioned.

It will be absolutely improper to direct the Bidhannagar Municipal Corporation to enter into the premises to find out where the unauthorized construction has been made. It is for the complainant to draw attention of the authority with regard to any unauthorized construction made and not for the Corporation to conduct a roving enquiry to hunt out the unauthorized construction.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

If the petitioner is able to gather any information with regard to the unauthorized construction, then it will be open for the petitioner to make fresh representation before the Bidhannagar Municipal Corporation highlighting such illegalities.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

Sh

(Amrita Sinha, J.)