

Item No.307

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

31.08.2023
Ct-24

WPA 20838 of 2022
Rajesh Bansal & Ors.
v.
The State of West Bengal & Ors.

Mr. Saptansu Basu, Sr. Adv.
Mr. Gopal Pahari
Ms. Mandeep Kaur
Ms. Piyali Kulavi
... for the petitioners.

Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumder
... for HMC.

Mr. Ayan Banerjee
Ms. Debasree Dhamali
... For the Bally Municipality.

The petitioners seek approval of the revised plan proposal for raising additional construction at premises no. 16/1/A, B.N. Paul Temple Road, Ward No. 58 currently under the jurisdiction of Bally Municipality.

The premises in question was initially under the jurisdiction of the Howrah Municipal Corporation. Construction was raised by the petitioners pursuant to the plan sanctioned by Howrah Municipal Corporation.

With view to make further construction the petitioners submitted plan proposal for obtaining revised sanctioned plan for raising additional construction in the year 2018. The Howrah Municipal Corporation directed the petitioner to deposit a sum of Rs.

47,48,570/- only within a period of fifteen days from December 5, 2018.

The petitioners, for reasons best known to them, failed to deposit the amount within the stipulated time period.

Bally Municipality got demerged from the Howrah Municipal Corporation in the year 2021 and the property in question came within the jurisdiction of Bally Municipality.

The Administrator of the Bally Municipality by a communication dated April 7, 2022 addressed to the Commissioner, Howrah Municipal Corporation enquired to confirm whether it can be assumed that the pending building plan file was processed at the end of the Howrah Municipal Corporation and found eligible for sanction and whether Bally Municipality can receive the amount of the sanction fee at present for further processing.

The Howrah Municipal Corporation is yet to reply to the query of the Administrator, Bally Municipality.

The petitioners intend to raise additional construction in accordance with the revised building plan proposal submitted before the Howrah Municipal Corporation for sanction.

As it appears that the query raised by the Administrator, Bally Municipality is pending consideration at the end of the Howrah Municipal Corporation, accordingly, the Commissioner, Howrah Municipal Corporation is directed to forward the reply to the query raised by the Municipality after perusing the documents available and after giving reasonable

opportunity of hearing to all the necessary parties, including the petitioners and the representative of the Bally Municipality and to communicate the decision to the petitioners and the Municipality positively within a period of eight weeks from the date of communication of a copy of this order.

Learned advocate for the petitioners is directed to forward copy of the relevant documents to the Commissioner, Howrah Municipal Corporation for compliance of the direction hereinabove at the time of communicating the order of the Court.

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.

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(Amrita Sinha, J.)