

12
04.01.2023
d.p.

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

W.P.A. 21381 of 2022

**Sri Somnath Dolui
-versus
The State of West Bengal & Ors.**

**Mr. Sanjib Seth.
...For the Petitioner.**

**Mr. Ayan Banerjee,
Ms. Debarsee Dhamali.
...For the Bally Municipality.**

**Mr. Susanta Pal,
Mr. Ananda Dulal Sarkar.
...For the State.**

**Mr. Arif Ali,
Mr. Arnab Sardar.
...For the Respondent
Nos. 11 and 12.**

Learned advocate appearing for the Bally Municipality submits, upon instructions, that a building plan was sanctioned for construction of G+3 storied building. The construction is going on at present.

Departmental inspection revealed side deviations and stop work notice has been issued to the person responsible for making construction to produce documents in support of the construction made.

Learned advocate appearing for the petitioner submits that G+5 storied building has been constructed even though sanction had been granted only for construction of G+2 storied building.

Learned advocate appearing for the private respondents submits, upon instructions, that construction is being made in accordance with the plan sanctioned.

It appears from the submissions made on behalf of all the parties that the number of floors that have been constructed and the manner of construction is disputed.

In view of the above, the concerned engineer of the Bally Municipality is directed to conduct a fresh spot inspection upon notice to the petitioner, the private respondents and all other necessary parties to ascertain the nature of the construction that is being made at the subject premises.

The spot inspection report shall be forwarded to all the parties.

In the event it transpires that there is any construction which has been made either in violation of the sanctioned plan or in deviation of the plan sanctioned, then necessary steps shall be taken by the Municipality to deal with the same in accordance with law at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

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.)