

Item No.56

In the High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

28.11.2023  
Ct-24

WPA 23128 of 2023  
Sri Sajit Krishnan Kutty & Ors.  
v.  
The State of West Bengal & Ors.

Mr. Pijush K. Roy  
Mr. Subhadip Biswas  
Mr. Pritthish Roy  
... for the petitioners.

Mr. Amitava Chowdhuri  
Mr. Samrat Paul  
... for the State.

Mr. Kallol Bose  
Mr. Soham Kumar Ray  
Mr. Rahul Kumar Singh  
... for the respondent no. 7.

Mr. Amalesh Ray  
Mr. Ishan Bhattacharya  
... for the South Dum Dum Municipality.

The petitioners pray for cancellation of the sanctioned plan granted in favour of one Happy Balaji Developers Pvt. Ltd. upon instruction of the private respondent.

I have heard the detailed submissions made on behalf of all the parties.

It appears that all documents in connection with the prayer made by the petitioners are not before this Court. The private respondent relies upon certain documents in support of the plan sanctioned and the Municipality also relies upon several documents including the order passed by the Hon'ble Supreme

Court on July 17, 2023 in Civil Appeal No. 4500 of 2023 (The Executive Officer, South Dum Dum Municipality v. Sajit Krishnan Kutty & Ors.).

As it appears that the representation filed before the Municipality seeking cancellation of the building sanctioned plan is pending consideration, accordingly, no useful purpose will be served by keeping the writ petition pending.

The writ petition is, accordingly, disposed of by directing the Board of Councillors, South Dum Dum Municipality to take into consideration the prayer of the petitioners seeking cancellation of the building sanctioned plan in accordance with law after giving reasonable opportunity of hearing to all the necessary parties to produce relevant documents in support of their stand at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The parties will be at liberty to produce and rely upon all documents in support of their respective stand before the Municipality.

The Municipality is, however, restrained from entering and/or deciding any private dispute in between the parties. The issue of title will also not be decided by the Municipality. According to the petitioners, title has already been decided by the competent Civil Court.

The writ petition stands disposed of.

Since the writ petition has been disposed of without calling for any affidavits, the allegations made therein are deemed not to have been admitted by the parties.

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.)**