

Item No. 863

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.01.2023
Ct-24

WPA 23740 of 2022
Madan Kanu

v.

The State of West Bengal & Ors.

Md. Bani Israil
Mr. Amardeep Singh
... for the petitioner.

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

The construction, being a G+2 storied building, has been made without obtaining any sanction at all. The petitioner submits that an application for regularization of the said structure has been filed and the same is pending consideration.

No provision of law has been produced before this Court permitting regularization as a whole of any construction which has been made without obtaining any sanction.

In the present case, the entire G+2 storied building has been constructed by the petitioner without any sanctioned plan.

According to the provisions of law, construction can be made only after obtaining sanction and not prior thereto. Constructing a G+2 storied structure and

thereafter applying for regularization of the same is certainly not permissible in law.

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.

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.)