

04.12.2023
Item No.45
Ct. No. 24
Aloke

W.P.A. 26702 of 2023

Smt. Geeti Majumdar
...
Vs.
The State of West Bengal & Ors.

Mr. Srikanta Datta
... for the petitioner

Mr. Ashim Kr. Routh
Ms. Anindita Auddy
Ms. Ananya Mondal
... for the respondent no. 7

Mr. Tirthankar Dey
... for the BMC

The reasoned order dated 2nd November, 2023 passed by the Commissioner, Bidhannagar Municipal Corporation directing the petitioner to demolish the unauthorized construction is impugned in the instant writ petition.

Submission of the petitioner is that the construction was made relying upon a plan sanctioned by the Rajarhat-Gopalpur Municipality in the year 2011-12. Completion Certificate was issued in July 2014.

A complaint was lodged by the private respondent herein alleging that unauthorized construction that is going on at present. The property was inspected by the officials of the Corporation and during site inspection and on verification of the building sanctioned plan it

was detected that the sanctioned plan was not genuine. The Corporation has come to a conclusion that the construction has been made authorizedly without a valid sanctioned plan.

Learned Advocate representing the private respondent submits, upon instruction that, the construction has been made on the basis of absolute false and forged documents. No building plan has been sanctioned either by the Rajarhat-Gopalpur Municipality or Bidhannagar Municipal Corporation. The construction is being made in such a manner that the ingress and egress to the private respondent's property has been blocked.

Upon hearing all the parties it appears that relying on a plan allegedly issued by the Rajarhat-Gopalpur Municipality in the year 2011-12, construction could not have been made at present.

For the purpose of making recent construction, permission of the Bidhannagar Municipal Corporation ought to have been obtained. The Bidhannagar Municipal Corporation has inspected all records and have concluded that the sanctioned plan is not genuine. In the absence of a proper sanctioned

plan, it will not be open for the petitioner to raise any construction.

The Bidhannagar Municipal Corporation shall take all necessary steps in accordance with law to deal with any construction that has been made without a valid sanctioned plan or relying upon a plan which is found to be not genuine.

The writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Amrita Sinha, J.)