

13.06.2024
Item No.2
Ct. No.15
S.A.

WPA 4301 of 2023

Samir Kumar Dutta

-vs-

The State of West Bengal & Ors.

Mr. Sk. Toslim Ali

...for the petitioner

Mr. Manoj Malhotra

Mr. Sabyasachi Mondal

...for the State

Mr. Soumik Ganguli

Ms. Chandana Chakraborty

...for Bankura Municipality

Mr. Monoj Kumar Mondal

Ms. Kakali Dutta

...for the respondent nos.5 & 6

The petitioner alleges unauthorized construction at the behest of respondent nos.5 & 6 in a plot adjacent to his residential building.

Learned advocate appearing for the respondent nos.5 & 6 submits that the construction is temporary in nature, with a tin shed. He, however, could not produce any sanctioned plan from the Municipality to justify the construction work.

Learned advocate appearing for the municipality submits that the construction has been raised without any sanctioned plan. When an inspection was carried out by the municipality, it was found that a solitary brick built room with a tin shed has been constructed by the petitioner without any permission from the municipality.

I am not in a position to accept the submissions of the learned advocate appearing for the respondent nos.5 & 6 that the construction in question does not require a sanctioned plan. The nature of the impugned construction comes within the definition of “building” under the West Bengal Municipal Act, 1993. A prior sanction from the municipality was necessary for such a construction.

In that view of the matter, this writ petition is disposed of with a direction upon the municipality to initiate appropriate demolition proceeding in respect to the construction in question and complete the same in accordance with law within a period of two months from the date of communication of this order.

Accordingly, **WPA 4301 of 2023** is disposed of.

(Kausik Chanda, J.)