

Item No.28

11.03.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 5101 of 2024
Bhavatosh Jha

v.

The Bidhannagar Municipal Corporation & Ors.

Ms. Ananya Mondal
Mr. Subhayan Barik
... for the petitioner.

Mr. Shaunak Ghosh
Ms. Shreyashi Maity
Ms. Bisakha Pal
... for the private respondent no. 7

Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag
... for BMC.

The order passed by the Commissioner, Bidhannagar Municipal Corporation dated July 21, 2023 is assailed in the instant writ petition.

It appears that certain portions of the construction in question viz, the toilet block at the back side of the building, the security gumti and a cantilever of one meter length projected from the 1st floor at one side of the building have been found to be unauthorized.

Learned advocate representing the petitioner submits that the security gumti has got demolished on account of natural calamity. The toilet block, according to the petitioner, has been regularized by the erstwhile Gopalpur-Rajarhat Municipality. The cantilever in question, according to the petitioner, is a part of the sanctioned plan.

The petitioner has failed to produce any document in support of the regularization of the toilet block.

The Commissioner has directed to demolish the portions constructed beyond the sanctioned building plan. The Court does not find any error on the part of the Commissioner in passing the said order.

In view of the above, the Court is not inclined to exercise jurisdiction in the matter.

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.)