

Sl. No.36
02.12.2024
Suman
Ct. 15

WPA 4737 of 2020

Sandip Kedia and Ors.
Vs.
Kharagpur Municipality & Ors.

Mr. D. Ghosal
Mr. Tanmoy Sett
Ms. Sucheta Das
..for the petitioners

Ms. Munmun Tewary
..for respondent no.8.

Mr. Mrinal Kanti Ghosh
Mr. Chandra Nath Sarkar
..for Kharagpur Municipality

The petitioners seek the cancellation of a sanctioned plan concerning a building situated at the premises mentioned in the prayer of the writ petition.

The petitioners' grievance is that the name of respondent no. 8 has been unlawfully recorded in both the relevant municipal records and in the land records.

The learned advocate representing Kharagpur Municipality, however, contends that no sanctioned plan has been issued in favor of respondent no. 8 for the construction in question.

It appears that a partition suit is currently pending between the petitioners and respondent no. 8, and an injunction application has been filed by the

petitioners in connection with this suit. A competent civil court has already issued an order restraining respondent no. 8 from undertaking any further construction work.

Given that the relevant construction is a matter of the ongoing civil suit, the Court is not inclined to entertain this writ petition, as it would permit the petitioners to pursue two parallel remedies. However, the Court has been informed that an appeal is pending before the Kharagpur Municipality concerning the mutation of records for the property in question. Such an appeal should be decided expeditiously, preferably within two months from the date of communication of this order.

Accordingly, **WPA 4737 of 2020** is disposed of.

Urgent phostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)