

09.07.2024
Item No. 24
Ct. No. 15
AKG

WPA 9039 of 2024
Kripan Kumar Mukherjee
Vs.
State of West Bengal & Ors.

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal

...for the Petitioner

Mr. Arup Krishna Das

...for Respondent Nos. 7 & 8

Ms. Parna Roy Chowdhury

...for the State

The petitioner alleges that respondent nos. 7 & 8 are raising a boundary wall without any permission from Asansol Municipal Corporation at LR Plot No. 83 in Ward No. 104 of the Corporation.

Learned advocate appearing for respondent nos. 7 & 8 has drawn attention of this Court to the definition of 'building' as contained in Section 2 (7) of the West Bengal Municipal Corporation Act, 2006. He submits that respondent nos. 7 & 8 intend to construct a boundary wall less than three meters in height which does not meet the definition of a 'building'.

In view of the aforesaid stand taken by respondent nos. 7 & 8, I am not inclined to entertain this writ petition. Therefore, I dispose of this writ petition permitting respondent nos. 7 & 8 to construct a boundary less than three meters in height.

It is made clear that apart from the said boundary wall, respondent nos. 7 & 8 shall not undertake any construction at the relevant premises without prior permission from the Corporation.

Accordingly, **WPA 9039** of **2024** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)