

26.06.2024
Sl. No.28
Suman
Ct.No.15

WPA 11946 of 2024

Smt. Soma Saha and Anr.
Vs.
Baranagar Municipality and Ors.

Mr. Apurba Kumar Ghosh
Ms. Annyasha Chakraborty
..for the petitioners

Mr. Arijit Dey
..for Baranagar Municipality

Mr. Anjan Banerjee
..for respondent nos. 7 to 12

The petitioners allege an unauthorised construction at the behest of respondent no.11 at premises 110/5, B. T. Road, Kolkata – 700108. The petitioners claim to be the owners of the adjacent premises. The petitioners submit that the said plot was developed by respondent no.12 after obtaining a sanctioned plan but in making the construction, there has been certain deviations from the sanctioned plan.

It appears that Baranagar Municipality by an order dated March 27, 2024 directed respondent nos. 7 to 11 to remove the deviated portion of the building within seven days from the date of receipt of the order.

The petitioners submit that the order of the Municipality has not been complied by the respondents.

The Municipality also submits that after initiation of a proceeding under Section 218(1) under the West Bengal Municipal Act, 1993, all the concerned parties were heard and thereafter the Municipality issued a demolition order for the deviated portion of the building.

Learned advocate appearing for respondent nos. 7 to 12, on the other hand, submits that the petitioners in this writ petition have suppressed the pendency of a civil suit between the parties. It is also submitted that predecessor-in-interest of the petitioners entered into a development agreement with respondent no.12.

The submission of the learned advocate appearing for respondent nos. 7 to 12 seems irrelevant when the deviation from the sanctioned plan has been detected by the Municipality.

In that view of the matter, I direct Baranagar Municipality to initiate demolition proceedings for the deviated portion of the building in terms of the order dated March 27, 2024 issued by the Chairman, Baranagar Municipality within a period of two months from the date of communication of this order in accordance with law.

The Municipality shall also ensure that no further unauthorised construction takes place in the premises in question.

The Officer-in-Charge of Baranagar Police Station is directed to render necessary help to Baranagar Municipality.

Accordingly, **WPA 11946 of 2024** is disposed of.

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

(Kausik Chanda, J.)