

22.11.2024
Sl. No.1
Ct. No.15
S.A.

WPA 12462 of 2023
with
CAN 1 of 2023
Arnab Kumar & Ors.
-vs-
The State of West Bengal & Ors.

Mr. Dibyendu Chatterjee
Ms. Satabdi Das
Mr. Mainak Singha Barma
...for the petitioners
Mr. Sougata Mitra
Mr. Subhadeep Maitra
...for Purulia Municipality
Mr. Nikhil Kumar Gupta
...for respondent nos.6 & 7
Mr. Malay Kumar Singh
Mr. B. Tripathy
...for the State

The petitioners, who are the owners of flats in a building located at Chandi Kar Lane, P.O. and District Purulia, P.S. Purulia Town, have brought forth allegations of unauthorised construction at the premises. They assert that this construction was carried out at the instance of Respondent Nos. 6 and 7, who are the promoters of the building.

The primary contention of the petitioners is that the promoters have added a fifth floor to the building without obtaining the requisite sanction from the Purulia Municipality. The Municipality, however, has subsequently regularised this additional construction upon the payment of fees. The petitioners argue that under municipal regulations, there is no provision that allows for the regularisation of unauthorised construction through payment of fees. Furthermore,

the petitioners claim that unauthorised construction was also raised in the garage area of the building.

The learned advocate for the petitioners does not dispute that all petitioners purchased their flats in 2019, after the construction of the fifth floor and the alleged unauthorised modifications to the garage space. At the time of purchase, both the additional floor and the unauthorized construction in the garage were already in place.

The petitioners first approached this Court in 2023 by filing WPA 7758 of 2023. The present writ petition represents the second round of litigation.

In my view, given that all petitioners acquired their flats when the alleged unauthorized constructions were already completed, and that they have waited four years post-purchase to raise concerns about these constructions, this writ petition appears to lack bona fides.

For these reasons, I am not persuaded to entertain this writ petition.

Accordingly, **WPA 12462 of 2023** along with **CAN 1 of 2023** is dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)