

03.12.2024
Sl. No.50
Ct. No.15
S.A.

WPA 13918 of 2024

**Rupali Ghosh
-vs-
State of West Bengal & Ors.**

Mr. Pradip Kumar Mondal
Mr. Arka Mondal
...for the petitioner
Mr. Shyama Prasad Purkait
Ms. Moumita Mondal
...for respondent nos. 7 & 8
Mr. Rupak Ghosh
Mr. Soumyadip Chakraborty
...for the State

Let the report filed by the Municipality be kept on record.

The petitioner raises a grievance that Respondent No. 10 has undertaken unauthorized construction at Plot No. 541, Mouza-Roynagar, Ward No. 12, under the Diamond Harbour Municipality.

During the hearing, the learned advocate representing Respondent No. 10 submitted the sanctioned plan dated July 16, 2015, for a G+2 storey building. He also presented a copy of the permission granted by the Municipality, dated July 16, 2015.

The learned advocate for the petitioner contends that immediately after the Municipality granted permission, construction commenced in accordance with the sanctioned plan.

The Municipality's report indicates that it inspected the premises without obtaining a copy of the sanctioned plan. Furthermore, the report suggests

that the construction of the second floor was carried out without maintaining the required side open space.

Let copies of the sanctioned plan and the permission, both dated July 16, 2015, be kept on record.

I am not inclined to entertain this writ petition solely on the ground that the petitioner, who claims to be a neighbor of Respondent No. 10, failed to raise any objection regarding the construction during its progress. I find no merit in the allegation of the petitioner that the building was constructed without an approved sanctioned plan.

Accordingly, **WPA 13918 of 2024** 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.)