

19.04.2024
Item No.6
Ct. No. 30
Aloke

WPA 13041 of 2023

Nikhil Kumar Singha & Anr.
Vs.
The Suri Municipality & Ors.

Mr. Krishnendu Bera
... For the petitioners

Mr. Pratip Kr. Chatterjee
Mr. Chittapriya Ghosh
Ms. Priyanka Saha
... For the private respondents

Affidavit-of-service showing due service is
filed. Let the same be kept with the record.

Heard the learned counsel for the petitioners
and the learned counsel for the respondents.

It is the case of the petitioners that the
private respondents are making illegal and
unauthorized construction violating the municipal
building rules without any proper sanction plan and,
as such, have prayed for demolition of the said
unauthorized construction.

On the other hand, the learned counsel for
the respondents submits that he has purchased a
portion of an old building which he was renovating.

The private respondents have filed a
document dated 11.09.2023 given to them by the
Chairman, Suri Municipality, Birbhum stating that
the application of the private respondents dated

04.07.2023 for sanction of the building plan and its approval could not be received by the municipality, as the case was pending in respect of the said property.

Admittedly, the petitioners have initiated proceeding before the Civil Court, being Title Suit No. 109 of 2018. A copy of the said plaint has been placed before this Court wherein it appears that it is the same property which is sub judice before the Civil Court and the relief prayed for is also similar to the relief prayed for in the present case.

Accordingly, the present writ petition is disposed of with liberty to the petitioners to agitate the points taken in the present writ petition before the Civil Court which shall dispose of the case in accordance with law.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)