

DL-15
19.11.2024
Court No.26
(AD)
(Disposed of)

MAT 1414 of 2024
With
IA No.: CAN 1 of 2024
Md. Sarafat Ali Mullick
Vs.
The State of West Bengal & Ors.

Mr. Biswarup Bhattacharjee, Advocate
Mr. Suman Sankar Chattapadhyay, Advocate
Mr. Shaunak Ghosh, Advocate
Mr. Syed Ali Afzal, Advocate
Ms. Paramita Mondal, Advocate
... for the appellant

Mr. Amal Kumar Sen, Ld. AGP
Ms. Ashima Das (Sil), Advocate
... for the State.

Mr. Alok Kumar Ghosh, Advocate
Mr. Atis Kumar Biswas, Advocate
... for the Kolkata Municipal Corporation.

Mr. Ayan Banerjee, Advocate
Mr. Arijit Bhowmick, Advocate
Ms. Debasree Dhamali, Advocate
Ms. Debashree Mukherjee, Advocate
... for the respondent no.10.

1. Appeal is directed against an order dated June 19, 2024 passed by the learned Single Judge in WPA 3838 of 2024.
2. By the impugned order, learned Single Judge dismissed the writ petition.
3. Appellant before us is the writ petitioner.
4. Appellant sought a direction upon the Kolkata Municipal Corporation with regard to mutation of a car parking space purchased by the appellant. Learned Single Judge, by the impugned order

found the sanctioned building plan did not designate the space purchased by the appellant as a car park and, therefore, refused to grant the relief as sought for by the appellant.

5. In course of hearing of the appeal, the Coordinate Bench required the Corporation to produce the records with regard to the earlier mutation in respect of such space done in favour of the vendor of the appellant.
6. Learned Advocate appearing for the Kolkata Municipal Corporation submits that, such space was never mutated in favour of the vendor of the appellant, as a car park.
7. This contention of the Kolkata Municipal Corporation is being disputed on behalf of the appellant.
8. Be that as it may, we perused the sanctioned building plan which does not designate the area purchased by the appellant as a car park.
9. Consequently, we do not find any ground to interfere with the order of the learned Single Judge in the appeal.
10. Allowing the appellant to use the area so purchased as a car park and permit mutation thereof as such would be in derogation of the sanctioned building plan.
11. In such circumstances, we find no merit in the present appeal.

12. **MAT 1414 of 2024** along with all connected applications are disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)