

Item No.25

28.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 19546 of 2023
Debraj Roy & Anr.

v.

The State of West Bengal & Ors.

Ms. Pampa Dey Dhabal
Mr. Krishna Deo Das
... for the petitioners.

Mr. Amitabha Ghosh
Mr. Nabanita Chatterjee
... for the private respondent no. 6.

Mr. Asish Kumar Guha
Mr. Rajendra Chaturvedi
... for the State respondents.

It appears from the submissions made on behalf of all the parties that the construction which was made over and above the 81 sq.ft. of land at the behest of the private respondent has already been demolished as the same was found to be unauthorized.

Learned advocate representing the petitioner submits that the construction over the 81 sq. ft. of land is also without any sanction.

Learned advocate representing the private respondent submits, upon instruction that, the construction is in existence for more than twenty years. The Municipality is refusing to accept any plan for regularization of the existing structure in view of the pendency of the writ petition.

As it appears that the major portion of the unauthorized construction has already been demolished

and the private respondent who is a lady carrying on business from 81 sq. ft. of the remaining construction which she claims to be in existence for more than two decades, accordingly, the Court is not passing any further order in the instant writ petition.

The petitioner may approach the Municipality in the event further unauthorized construction is made by the private respondent.

The writ petition stands disposed of.

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

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(Amrita Sinha, J.)