

58. 08.01.2024
bd. Ct.15

W.P.A. 20455 of 2010

Smt. Runu Bhattacharya

-vs-

The State of West Bengal & Ors.

Ms. Chaitali Bhattacharya ... for the Petitioner.

Mr. Arijit De ... for the Baranagar Municipality

Mr. Ansar Mondal

Mr. Tapas Ballav Mondal ... for the State.

The writ petition is heard in presence of the learned advocates representing the petitioner, State respondents and Baranagar Municipality.

The grievance of the petitioner is without informing anything relating to according sanctioned plan in favour of authorities of Mukavadhir Vidyamandir (previously known as Shyambazar Deaf and Dumb School) in 2003 a sanctioned plan was granted in favour of the aforesaid institution.

It has been submitted by Ms. Bhattacharya, learned advocate representing the petitioner that since petitioner is the owner of the land in question without formal consent being given no such plan can be sanctioned in favour of the aforesaid institution. It is also submitted that based on such sanctioned plan construction has been made.

Mr. Dey, learned advocate representing the Baranagar Municipality has drawn attention of this Court to the provision of section 217 of the West Bengal Municipal Act, 1993 which postulates initiation of proceeding for cancellation of plan sanctioned in favour of persons/authority if such

plan has been accorded in consequence of any material mis-representation or fraudulent statement.

Having considered the grievance made by the petitioner in this writ petition and the authority which has been conferred upon the Board of Councillors of the Municipality under section 217 it would be apt to direct the Board of Councillors to initiate a proceeding under section 217.

Accordingly, the writ petition stands disposed of by directing the Board of Councillors of Baranagar Municipality to initiate a proceeding and conclude the same after granting opportunity of hearing to the petitioner and private respondents including concerned Sub-Divisional Officer, Barrackpore, within a period of 16 weeks from the date of communication of this order by passing final order.

The order of status-quo with regard to the building of the school in question as has been passed by this Court vide order dated 11th December, 2023 shall remain in force till fortnight after the order to be passed by the Board of Councillors in terms of the order passed by this Court today and communication of the same to the petitioner.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)