

26.11.2024
Sl. No.38
Ct. No.15
S.A.

WPA 24485 of 2023

Sumitra Sett
-vs-
The State of West Bengal & Ors.

Mr. Purnendu Das
Ms. Gitika Mallick
Mr. Meghanil Manna
...for the petitioner
Mr. Arijit Dey
...for Baranagar Municipality
Mr. Ayan Banerjee
Mr. Dhiman Banerjee
...for private respondents
Ms. Noelle Banerjee
Ms. Kalpita Paul
...for the State

It is not in dispute that respondent nos.5, 6 and 7 obtained a sanctioned plan from Baranagar Municipality to raise a G+2 storeyed building at premises no.51, Moiradanga Road, P.S. Baranagar, Kolkata-700036.

Learned advocate appearing for the petitioner submits that respondent nos.5, 6 and 7 have raised the construction in deviation from the sanctioned plan and damaged the exclusive boundary wall belonging to the petitioner.

Learned advocate appearing for respondent nos.5 to 7 denies the allegations. He, however, admits that there is some deviation in making the construction on the 1st floor and 2nd floor of the building. He submits that a representation has

already been made before the Municipality for regularisation of the said unauthorised construction in terms of the notifications dated July 27, 2023 and December 4, 2023 issued by the Urban Development and Municipal Affairs Department.

Learned advocate appearing for the petitioner, on the other hand, submits that the unauthorised construction should be demolished and cannot be regularised.

In the aforesaid facts, I dispose of this writ petition with a direction upon Baranagar Municipality to convene a hearing of the parties by issuance of a notice to the petitioner as well as the private respondents.

After hearing the petitioner as well as the private respondents, the Municipality shall take a decision with regard to the unauthorised part of the building.

A reasoned order should be communicated to the parties by the Municipality.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

Accordingly, **WPA 24485 of 2023** is disposed of.

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

(Kausik Chanda, J.)