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30.07.2024
Ct. No.02
NB

HIGH COURT AT CALCUTTA
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction

WPA 1598 of 2022

Dr. Dulal Krishna Khanra & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Debayan Goswami.

...for the petitioners.

Mr. Subir Kumar Saha,

Mr. Momenur Rahman.

...for the State.

Ms. Suman Sehanabis

...for the respondent nos.3 to 6.

Learned counsel appearing on behalf of the petitioners submits as follows. The private respondent had constructed two additional floors in the building for which they obtained a sanctioned plan. Even the enquiry report as annexed by the Municipality in their Opposition is not clear about quite a few things. The minor deviations allegedly found in the internal portion of the building were not clarified. There were also discrepancies found in the front side clearance. There were several other deviations found in the enquiry report. In spite of that, the Municipality had not taken any steps.

Learned counsel appearing on behalf of the Municipality denies the allegations, relies on the report and submits as follows. The crux of the allegations made by the petitioners that the private respondent had constructed two

additional floors over and above the G+4 structure sanctioned has been found to be false. Inspection, however, revealed certain other deviations as found in the internal portion of the building and the like. However, it does not call for any major action to be taken as claimed by the petitioners.

No one appears on behalf of the private respondent although the State is represented.

In this writ petition, the petitioners prayed for demolition of the structure because the private respondent had constructed two additional floors over and above the number of floors sanctioned by the Municipality. This allegation has been found to be false.

Therefore, I find no merit in the writ petition. Accordingly, the same is dismissed, however, without any order as to costs.

However, it shall be open to the Board of Councillors of the Municipality to take action, if any, in terms of the Enquiry Report available to them after notifying and hearing the private respondent.

Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)