

06.03.2025
Item No.12
gd/ssd

WPA(P)/53/2025
AAMIR PARWEZ
VS
STATE OF WEST BENGAL AND ORS.

Mr. Amritam Mandal,
Ms. Jeenia Rudra,
Ms. Shipra Naskar,
Ms. Sangeeta Halder
..for the Petitioner.

Mr. Jahar Lal De
..for the State.

Mr. Alak Kr. Ghosh
..fpr KMC.

Mr. Biswajit Konar,
Mr. Arijit Mahinder
..for the Respondent Nos.10 and 11.

1. This public interest writ petition filed by an advocate who is said to be practicing in the Alipore Criminal Court and he also claims a social worker.

2. The allegation is that the private respondents have constructed a multi-storied building without obtaining any planning permission.

3. The learned advocate appearing for the private respondents have produced copy of a complaint lodged by one Swapna Ghose to the Officer-in-Charge of Tollygunge Police Station dated 14th February, 2025.

4. On a reading of the complaint it appears that there is some internal family dispute and the names of the private respondents feature in the complaint.

5. According to the learned advocate appearing for the private respondents that two of the family members are advocates and the present litigation is not a genuine public interest litigation.

6. That apart, the copy of the sanctioned plan has been produced before us which shows that the Kolkata Municipal Corporation has approved the plan on 24.8.1996. Photographs have also been produced. From the photographs it is evidently clear that the building is an old building. The copy of the property tax assessment has also been appended to the writ petition which shows that the property has been assessed to property tax which obviously will be done after inspection of the building.

7. Therefore, even by going from the photographs annexed in the writ petition it is seen that a building is a very old building and all of a sudden an advocate, who is practicing in Alipore Criminal Court, has come up with this plea and it is rather doubtful as to how at all the petitioner came to know about all these things and enclosed certain records which are all concerning the property in question.

8. Therefore, on the available facts we do not propose to issue any direction as sought for.

9. However, if there is any additional construction put up over and above the construction which was approved in the year 1996, it will be well open to the 6th

respondent, namely, the Executive Engineer (Building), Borough-9, Kolkata Municipal Corporation to inspect the building and proceed to take action in accordance with law, if any deviation is found.

10. For the above reasons, the writ petition stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)