

09.06.2025
Court No.13
Item No. 16
sp

FMA 377 of 2025
Gourab Ujjwal Chakraborty
Vs.
The State of West Bengal & Ors.

Ms. Malini Chakraborty,
Ms. Shampa De

...for the appellant.

Mr. Joydip Banerjee,
Mr. Prabir Kumar Roy

...for the State.

Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee

...for the KMC.

1. The appeal is directed against the judgment and order dated 27th January, 2025 passed by a Single Bench of this Court in WPA 18249 of 2024.
2. By the impugned order, the Single Bench relying upon a report of an Advocate Special Officer, found that the construction effected by the private respondent is in terms of the sanction plan issued by the KMC.
3. Counsel for the appellant submits that her client ought to have been given a liberty to submit an objection to the report of the Special Officer.
4. This Court, however, takes notes of the submission of the KMC that they were present when the Special Officer held inspection. The KMC also held

an inspection and found the construction by the private respondent to be in accordance with the sanction plan at that relevant point of time.

5. In that view of the matter, this Court is of the view that the impugned order calls for no interference. The appellant is, however, granted liberty to raise any complaint with the KMC in the event any construction made subsequent to the original inspection by the KMC, is in violation of sanction plan.
6. Upon receipt of such complaint of the appellant, the KMC shall cause a further independent inspection of the premises of the private respondent and take steps in accordance with law.
7. With the aforesaid observations, FMA 377 of 2025 shall stand disposed of.
8. There shall be no order as to costs.
9. A photocopy of the report of the KMC dated 13.08.2024 is kept with the record.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)