

08.04.2025
Sl. No.10
Ct.3/ tkm

W.P.A. 7605 of 2024
[Anil Kumnar Sarkar vs. Rajpur Sonarpur Municipality & Ors.]

Mr. Sudeep Sanyal
Mr. Sukanta Das
Ms. Tutun Das
Mr. C Lahiri

... .. for the petitioner

Mir Anuruzzaman
... .. for Rajpur Sonarpur Municipality

1. The petitioner has preferred the present writ petition assailing the impugned order dated 04.07.2023, issued by the respondent no. 3- Rajpur Sonarpur Municipality, whereby certain objections were allegedly raised against the petitioner's ongoing construction activity.
2. Learned counsel for the petitioner submits that the dispute arises from a long standing conflict with the relative of the petitioner, who has initiated multiple proceedings before various forums. He further contends that the petitioner is undertaking construction strictly in accordance with the sanctioned building plan issued by the Rajpur Sonarpur Municipal Corporation.
3. It is further submitted that similar complaints had been raised on earlier occasions as well, leading to inspections by the Municipal Authorities. Pursuant to an order passed in WP

25137 (W) of 2014, a final order was passed by the Municipality on 15.10.2014, directing the petitioner not to proceed with the construction of the second floor unless a revised sanctioned plan was obtained.

4. In compliance therewith, the petitioner submitted a revised building plan which was duly sanctioned on 17.04.2015. The sanctioned plan was originally valid till 17.04.2018, was subsequently extended and is currently valid until 17.04.2025.
5. It is the case of the petitioner that despite possessing a valid sanctioned plan he has been unable to proceed with any construction since the municipality is hand in gloves with the private respondent and is not allowing him to construct as per revised sanctioned plan. A stop work notice which has been issued by the municipality wherein the petitioner was asked to meet the concerned officer. The petitioner has duly complied with the said notice by meeting with the concerned officials.
6. Mr. Anuruzzaman appears for the municipality, submits upon instruction that the municipality has no objection to the petitioner's construction of the floor in accordance with sanctioned plan.

7. He further submits that the petitioner has complied with the requirements of the stop work notice and met the designated officer and therefore the municipality has no hesitation if the construction is carried out in conformity with the sanctioned plan.
8. Learned Counsel for the petitioner submits that the petitioner has already moved an application for extension of the said sanctioned plan which is about to expire on 17.4.2025.
9. In view of the unequivocal stand taken by the Municipal Corporation that they shall not cause any obstruction or hindrance to the construction being carried out by the petitioner in accordance with the sanctioned building plan, this Court is of the view that no further adjudication is required in the matter.
10. Accordingly, the writ petition is disposed of in terms of the statement and undertaking made on behalf of the municipality that the petitioner shall be permitted to proceed with the construction strictly in accordance with the sanctioned building plan presently in force.
11. There shall be no order as to the costs.

12. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon due compliance with requisite formalities.

(Gaurang Kanth, J.)