

24.09.2025
Sl. No. 28
Ct No. 3
tkm

WPA 7325 of 2023

**Ashok Kumar Das & Anr.
Vs
The Kolkata Municipal Corporation & Ors.**

Mr. Kishore Mukherjee
Mr. S S Ray

....for the petitioners

Mr. Biswajit Mukherjee
Mr. Gopal Ch. Das

....for the KMC

1. The petitioners have preferred the present writ petition challenging the impugned order dated 25.6.2022, whereby the petitioners' application for sanction of building plan in respect of premises no. 19F, Centre Singhee Road, Santra Para, Kolkata situated under Mouja Sinthee within the jurisdiction of Kolkata Municipal Corporation was rejected.

2. The case of the petitioners is that the subject plot forms part of premises no. 19 Centre Sinthee Road which was lawfully partitioned among the co-owners into six separate plots namely, 19A, 19B, 19C, 19D, 19E and 19F. The individuals holder of the premises applied before the respondent authority for sanction of building plan which were considered and plan was duly sanctioned in respect of those plots namely, 19A, 19B and 19C. However, when the petitioners applied for sanction of the building plan in respect of premises no. 19F, the same was rejected on the

ground that the proposal requires observation from Environment and Heritage Department.

3. Learned counsel for the petitioners submits that in an identical matter being WP 23432(W) of 2017, this court was pleased to dispose of the said writ petition by observing that corporation has sanctioned building plan in favour of several co-owners, therefore, cannot discriminate the petitioner therein in refusing to accord sanction of the building plan. The petitioners accordingly, pray for similar relief.

4. Learned counsel for the respondent KMC submits that the corporation is ready and willing to consider the petitioners' application in light of the judgment delivered in WP 23432(W) of 2017.

5. In view of the submissions made and considering the facts and circumstances of the case, the impugned rejection order is set aside. The respondent corporation is directed to consider the representation of the petitioners afresh, strictly in accordance with law and in light of the observations made hereinabove and to pass a reasoned order within a period of three weeks from the date of communication of this order.

6. With the above direction, the present writ petition is disposed of.

(Gaurang Kanth, J.)