

Sl. No.06
02.01.2025
Suman
Ct. 15

WPA 13078 of 2024

Pallabi Gomes and Anr.
Vs.
The State of West Bengal and Ors.

Mr. Fazlul Haque
Mr. S. Dey
Mr. Abhik Ghosh
Ms. S. Nath
..for the petitioners

Mr. Mukti Chandra Ghosh
..for the State

Mr. M. Rahman
..for respondent no.10.

Mr. Rajendra Chaturvedi
..for Rishra Municipality

The writ petitioners have alleged unauthorised construction at the behest of respondent nos. 8, 9, and 10, located at premises no. 36, Dakshin Para 2nd Lane, Soudamini Nagar, P.O. Morepukur, P.S. Rishra, Dist. Hooghly, Pin – 712250.

By order dated December 3, 2024, this Court directed the Rishra Municipality to file a report in response to the allegations raised in the writ petition.

In compliance with the said order, the Municipality has submitted its report today. The same is kept on record.

The relevant portion of the report is quoted below:

*“A joint survey made on 27/12/2024, Case No.WPA 13078 of 2024, it has been found that Opposite Party Smt. Usha Gomes, W/O. Arun Gomes, 36, Dakshinpara 2nd Lane, Rishra, Hooghly, Pin-712250, deviation from the sanction plan, at the North side of her building is **(3’-9”X11’-11”)**, other side had no deviations and the Petitioner’s deviation from her sanction plan is **(0’-7”X19’-2”)** at the North side of her building.”*

The learned advocate appearing for the petitioners, on instructions, has agreed to demolish the unauthorised part of the building constructed by them.

Accordingly, the writ petition is disposed of with the direction upon the petitioners, as well as respondents nos. 8 to 10, to demolish the unauthorised construction as indicated in the Municipality’s report within a period of three weeks from the date of this order.

In the event that the petitioners or respondents nos. 8 to 10 fail to comply with this order, Rishra Municipality will be at liberty to demolish the unauthorised construction, providing 48 hours' notice to the concerned parties.

Furthermore, the Municipality is authorised to recover the cost of demolition from the parties involved.

The writ petition, **WPA 13078 of 2024**, is disposed of accordingly.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)