

Sl. No.10.
06.01.2025
Suman
Ct. 15

WPA 13316 of 2024

Smt. Shefali Ghosh and Ors.
Vs.
The State of West Bengal and Ors.

Mr. Subhendu Bandyopadhyay
Mrs. Sanjukta Samanta
Mr. Arka Mondal
..for the petitioners

Mr. Joydip Banerjee
Mr. Akash Dutta
..for the State

Mr. Subrata Bhattacharya
Ms. Shipra Santra
..for respondent no.7

The petitioners and respondent nos.7 to 9 are co-sharers of the premises located at Plot No. 182, Khatian No. 1566, under the jurisdiction of Kanksa Police Station, Paschim Bardhaman.

A dispute has arisen among the co-sharers regarding the distribution of rental income from a mobile tower installed in the aforementioned premises.

The petitioners contend that unauthorized construction has been carried out at the premises at the instance of respondent nos.7 and 8. Conversely, the learned advocate representing respondent no.7 asserts that construction work was initiated by respondent no. 7 but remains incomplete. He further indicates that

respondent no. 7 has submitted an application to the Durgapur Municipal Corporation seeking regularisation of the construction.

In light of the above, I find no compelling reason to keep this writ petition pending. Therefore, I direct the Durgapur Municipal Corporation to consider respondent no. 7's prayer for the regularisation of the construction in accordance with the law.

It is made clear that, unless permission is granted by the Corporation, respondent nos.7 and 8 shall refrain from carrying out any further construction at the premises.

The entire process shall be completed within thirty days from the date of this order. In considering respondent no.7's application, the Corporation shall also take into account any objections raised by the petitioners by giving them an opportunity of hearing.

Accordingly, **WPA 13316 of 2024** is disposed of.

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.)