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10-03-2025
AKG
Ct. 15

WPA 14972 of 2024
Rajat Bagchi
Vs.
The Chairman, Rajpur Sonarpur Municipality & Ors.

Mr. Swarup Banerjee,
Mr. Monojit Chatterjee,
Mr. Subham Biswas
...for the Petitioner
Mr. Mir Anuruzzaman
...for Rajpur Sonarpur Municipality
Mr. Pradyat Saha
...for Respondent No. 5

The petitioner alleges unauthorised construction at the behest of his neighbour, respondent no.5.

Let the report filed by the Rajpur Sonar Municipality regarding the relevant building be placed on record. The relevant portion of the report is quoted below:

“The shape and size of the building are more or less consistent with the sanctioned plan, as per No. 232/RB/28 (27)/8 dated 02.05.2001.

According to the sanctioned building plan, there is no open space on the east side of the building. However, a narrow strip of open space, approximately 300 mm in width, is found on the east side of the building.

The width of the land on the north (front) side is more or less consistent with the dimensions shown in the sanctioned building plan.

As per the sanctioned plan, the portion of the eastern side of the ground floor where no open space is indicated was already existing prior to the sanctioning of the plan.”

The learned advocate for the petitioner, however, submits that the report itself indicates that no open space was left on the eastern side. It is further contended that the sanctioned plan issued by the Municipality violates the building rule.

The learned advocate for respondent no. 5 submits that the building was constructed immediately after the sanctioned plan was obtained in 2001.

In light of the above, I am not inclined to intervene in the construction, particularly since the petitioner allowed the construction to proceed and remained silent for over twenty years. The petitioner also did not challenge the sanctioned plan.

Accordingly, **WPA 14972 of 2024** is dismissed.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)