

06.01.2025
Sl. No.18
Ct. No.15
S.A.

WPA 15145 of 2024

Jhuma Mukherjee
-vs-
The Bally Municipality & Ors.

Mr. Ardhendu Bandyopadhyay
...for the petitioner
Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
...for Bally Municipality
Mr. Sanjay Saha
...for respondent nos.9 to 14

The report filed by the Municipality substantiates the writ petitioner's allegation that, at premises no.18, Kashi Mondal Lane, Ward No. 16, Belur, Howrah, respondent nos.9 to 14 have carried out unauthorised construction beyond the sanctioned plan.

The relevant part of the report is quoted below:

“It may be noted that upon instruction I have visited the above noted premises for enquiry and found that the land owner obtained a sanction plan for a G+1 storied building vide OBPAS/1903/2023/0378 dated 05.09.2023 in respect of the above noted premises. I found that there is a G+3 storied building constructed with Brick work and inside plaster and shuttering work at the 4th floor done. No construction work found going on at the time of inspection.

A Stop Work notice vide No. 051/NOT/23-24 dated 04.03.2024 has been issued to the owners of the premises.”

The learned advocate appearing for respondent nos.9 to 14 does not dispute that the said respondents have constructed the building beyond the sanctioned plan. However, he submits that no further construction has been carried out following the issuance of the stop-work notice.

In light of the above, I find no justification for keeping this writ petition pending.

Accordingly, I dispose of this writ petition with a direction to Bally Municipality to take immediate steps for the demolition of the unauthorised construction at the aforementioned premises, in accordance with law, after providing the all concerned with an opportunity for a hearing.

Accordingly, **WPA 15145 of 2024** is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

(Kausik Chanda, J.)