

Sl. No.09
07.01.2025
Suman
Ct. 15

WPA 16474 of 2024

Debanjan Roy
Vs.
The State of West Bengal and Ors.

Mr. Balai Lal Sahoo
Mr. Debojit Samanta
..for the petitioner

Mr. Subhasis Bandopadhyay
..for the Municipality

Mr. Uttiya Ray
Ms. A. Maiti
..for respondent nos. 11 and 12.

Mr. Somnath Ganguly
Ms. Priyamvada Singh
..for the State

The allegations made by the writ petitioner appear to be without merit. The petitioner claims to be a co-sharer in respect of the property situated at Holding Nos. 36 and 38, Ward No. 30, under Burdwan Municipality.

The petitioner alleges that Respondent Nos. 11 and 12 have constructed a building without obtaining a sanctioned plan from the Municipality and have also altered the nature of the land without permission from the competent authority.

The learned advocate for the petitioner strongly relies on communications from Burdwan Municipality,

dated April 26, 2023, and June 15, 2023, to argue that Respondent Nos. 11 and 12 lack a sanctioned plan for the building.

However, the Municipality has filed a report before this Court, explicitly stating that Respondent Nos. 11 and 12 have obtained the requisite sanctioned plan from the Municipality.

Furthermore, the learned advocate for respondent no.11 & 12 has submitted a communication dated December 12, 2024, which extends the validity of the sanctioned plan until June 2, 2025. He has also drawn the Court's attention to an order dated October 9, 2014, passed in WP 24872 (W) of 2014, filed by another co-sharer of the property, which unsuccessfully challenged the construction undertaken by Respondent Nos. 11 and 12. Additionally, the petitioner has filed an order dated January 12, 2005, passed by the District Land and Land Reforms Officer, Burdwan, which permits the conversion of the land from 'Bagan' to 'Bastu.'

While there may be some confusion in the petitioner's mind arising from the response provided by the Municipality under the Right to Information Act, 2005, it is important to note that such responses are not considered as evidence. In contrast, the Municipality has filed a report in the form of an affidavit, in which it disclosed the sanctioned plan. Based on this, I have no doubt that Respondent Nos. 11 and 12 obtained the sanctioned plan

from the Municipality for the construction of the relevant building.

In light of the above, I find no merit in the writ petition.

Accordingly, **WPA 16474 of 2024** is dismissed.

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.)