

07.11.2025.
Court No.13
Item No. 26
ap

M.A.T No. 1097 of 2025
With
I.A. No. CAN 1 of 2025
And
I.A. No. CAN 2 of 2025

Oindrila Apartment Flat Owners Association & Ors.
Versus
South Dum Dum Municipality & Ors.

Mr. Samim Ahammed,
Ms. Saloni Bhattacharya,
Ms. Gulsanwara Pervin,
Ms. Ambiya Khatun.

...For the appellants.

Mr. Bikram Banerjee,
Ms. Adrita Dey.

...For the private respondent.

Mr. Amalesh Ray,
Ms. Mousumi Bhowal.

...For the South Sum Dum Municipality.

1. The instant intra court appeal is directed against the order dated 7th July, 2025 passed by a learned Single Judge of this Court in W.P.A. 27639 of 2024.
2. The writ petition was filed by the appellants alleging that the private respondent has effected construction beyond the sanction plan of Gound+four storied.
3. Initially, South Dum Dum Municipality has communicated to the petitioners against a request under the Right to Information Act, 2005 that sanction granted to the private respondent for construction of Ground+four storied building. However, during pendency of the writ petition, the reply was modified and it was indicated that the Municipality has

sanctioned Gound+Seven structure for construction at the said property to the private respondent.

4. The learned Single Judge of this Court was of the view that the appellants ought to have agitated in a fresh writ petition, if he was aggrieved by the sanction of a Ground+Seven structure at the said premises. Expanding of the scope of the writ petition by filing supplementary affidavit did not find favour of the learned Single Judge of this Court.

5. Counsel for the appellants, Mr. Ahammed, submits that he should be provided with a copy of the revised sanction plan and the report of inspection prior thereto by the South Dum Dum Municipality.

6. Counsel for the South Dum Dum Municipality fairly agrees to supply copies of the report and a revised sanction plan against payment of usual fees.

7. Counsel for the private respondent, Ms. Adrita Dey, vehemently opposes the instant appeal and submits that the learned Single Judge of this Court was wholly justified in the order. She further submits that the construction has been effected by her client strictly in accordance with the revised sanction plan.

8. Having regard to the rival contentions advanced, this Court is of the view that the liberty granted by the learned Single Judge of this Court should be availed by the appellants after receiving the first and revised sanction plan along with an inspection report of the Municipality conducted prior thereto.

9. For the aforesaid purpose, Counsel for the appellants shall put in necessary requisite fees with the Municipality within a period of seven days from date.

10. Needless to mention that if there is a challenge made to the revised sanction plan, due notice shall be served on all the affected parties, particularly the private respondent herein.

11. In view of the above, this Court is inclined to stay the operation of costs imposed on the appellants by the learned Single Judge of this Court. The impugned order shall stand modified accordingly.

12. M.A.T. 1097 of 2025 shall stand disposed of.

13. In view of disposal of the appeal itself, all the pending connected applications are disposed of.

14. There will be no order as to costs.

15. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)