

07.01.2025
Item No.30
Ct. No.15
S.A.

WPA 19198 of 2024

Sanjay Roy & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Pappu Adhikari

...for the petitioners

Mr. Srijan Nayak

Ms. Rituparna Maitra

...for the State

Mr. Debasis Kar

Mr. Arka Tilak Bhadra

...for the private respondents

The report filed by the State shall be kept with the records.

The petitioners obtained a sanction plan from Khardah Municipality to construct a building under the “Pradhan Mantri Aawas Yojna”.

The petitioners challenge a notice dated July 18, 2024, issued by the Chairman, Khardah Municipality, which appears at page 58 of the writ petition. The relevant portion of the notice is quoted below:

“To: Sanjoy Roy, 239/461 Mathpara, Ward no-6, Rahara

Sub: STOP the construction of dwelling house under (HFA-PMAY) scheme.

Sir,

I would like to inform you that your existing land demarcation is not matching with site plan when our engineer inspect your land.

Now, land demarcation will be done by you with proper site plan (By B.L.R.O. Dept.) as per the advice

of our Special Secretary and then inform us to take further action.”

The petitioners’ construction work at Holding No. 239/461, Mathpara, Ward No. 6, under the Khardah Municipality, is disputed by respondent Nos. 7 and 8, who filed Title Suit No. 236 of 2023 before the Civil Judge (Junior Division), 2nd Court, at Barrackpore. The Civil Court has directed the parties to maintain the status quo regarding the property described as Schedule “D” in the plaint.

In light of the above, there is no valid reason to prevent the petitioners from continuing the construction work at the premises in question, excluding the Schedule “D” property.

Accordingly, I dispose of this writ petition by modifying the notice dated July 8, 2008, permitting the petitioners to continue the construction work excluding the schedule “D” property in accordance with law. The construction work of the petitioner shall abide by the decision that may be passed in the Title Suit no. 236 of 2023.

Accordingly, **WPA 19198 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.)