

157 14-01-2025
AKG
Ct. 15

WPA 19405 of 2022
With
CAN 1 of 2024
Smt. Manika Biswas & Ors.
Vs.
Bidhannagar Municipal Corporation & Ors.

Mr. Gopal Ch. Ghosh,
Mr. Rajkrishna Mondal
...for the Petitioners

Mr. Sirsanya Bandopadhyay,
Mr. Tirthankar Dey,
Mr. Arka Kr. Nag
...for BMC

In Re: CAN 1 of 2024

This is an application for the addition of parties, seeking to add the legal heirs of respondent no. 4, who passed away on July 11, 2022.

Mr. Gopal Ch. Ghosh, learned advocate for the applicant, submits that respondent no. 4 was inadvertently impleaded as a party in this application. In fact, at the time of filing the writ petition, respondent no. 4 was already deceased.

In light of the aforementioned facts, I allow this application for the addition of parties. The petitioners are directed to correct the cause-title by including the legal heirs of respondent no. 4, as described in paragraph 9 of this application, and to strike out the name of respondent no. 4.

Accordingly, **CAN 1 of 2024** is disposed of.

In Re: WPA 19405 of 2022

It is submitted by the petitioners that a building plan for a two-storied structure was sanctioned by the Bidhannagar Municipal Corporation in 1990, following which the petitioners commenced construction. However, due to a lack of funds, the construction work could not proceed further. In the meantime, the validity period of the building plan expired.

The Bidhannagar Municipal Corporation issued a demolition order on June 17, 2019, alleging unauthorised construction by the petitioners after the expiry of the validity period of the sanctioned plan.

Mr. Ghosh, learned advocate for the petitioners, submits that during the validity period of the sanctioned plan, the petitioners were able to construct the ground floor. After the plan expired, they proceeded with the construction of the first floor. He further undertakes before this Court that the petitioners shall not carry out any further construction work. It is also submitted that the petitioners will apply for a new plan or seek revalidation of the existing plan with the consent of the other co-sharers of the property.

In view of the above, I am not inclined to sustain the demolition order communicated to the petitioners by the

letter dated June 17, 2019. Accordingly, the order is set aside.

It is, however, made clear that the petitioners shall not undertake any further construction work unless and until they obtain a valid sanctioned plan from the Corporation.

Accordingly, **WPA 19405 of 2022** is disposed of.

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.)