

24.06.2025.
Item Nos.19.
Court No. 13
pk

M.A.T. No. 1501 of 2023

**Sri Chandan Kumar
Versus
The State of West Bengal & Ors.**

Mr. Sanjib Banerjee,
Mr. P. S. Maitra
....for the appellant.

Mr. Arijit Dey
... for the Baranagar Municipality.

Mr. Jahar Datta,
Mr. Bipin Ghosh
... for the State.

Mr. Shaunak Ghosh,
Mr. Biswaroop Ghosh,
Ms. Shreyoshi Maity
... for the respondent nos. 5 to 10.

1. The appeal is directed against an order dated 13.07.2023 passed by the Single Bench of this Court. The writ petitioner is the owner of the property adjacent to one owned by the private respondents. It was alleged in the writ petition that the private respondents have obtained an illegal sanctioned plan and have committed further deviation even thereafter.
2. The Single Bench has disposed of the writ petition permitting the writ petitioner/appellant to file an appeal before the concerned Appellate Authority under Section 218 of the West Bengal Municipal Act, 1993.
3. In those circumstances, the instant appeal is disposed of permitting the appellant to prefer an

appeal under Section 218 of the West Bengal Municipal Act, 1993.

4. In the event, such appeal is preferred within a period of one month from date, the Appellate Authority shall after giving due notice to the owner of the land and hearing all the parties pass an appropriate order considering whether the sanctioned plan granted to the respondents was illegal and whether there is any scope under the West Bengal Municipal Act, 1993 to regularize any unauthorized construction.

5. All issues are kept open to be decided by the Appellate Authority.

6. With the aforesaid observations, the instant appeal is disposed of.

7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)