

02.12.2025
Ct. 3
Item No.
AD 7
Saswata

WPA 26729 of 2025
Dipak Kumar Sinha & Anr.
Versus
The Chandannagore Municipal Corporation & Ors.

Mr. Suman Banerjee

...For the petitioners

Mr. Suman Basu

...For the CMC

Mr. Bani Israil

Mr. A. Basu

Mr. Sayed Md. Sayed

...For the private respondent

1. The petitioners are the neighbours of the private respondent and would complain that the private respondent in the guise of carrying out construction work at the first floor of holding no. 410, ward no. 7, Tikiya Para, Palpara (E), P.O & P.S. Chandannagore in terms of a sanction permit has, in fact, deviated therefrom.
2. According to the petitioner since there was an existing ground floor, the construction that could have come up on the first floor ought not to have been breached the existing side open space on the first floor level. The petitioners would contend that the construction on the first floor overlaps on the side open space. Such construction has been made by way of setting up of a cantilever.
3. Learned advocate appearing for the private respondent, however, has placed before this Court the sanctioned building plan and would demonstrate that there was an existing projection on the first floor level and the construction of the toilet which

the petitioner claims to be offending is by way of projection as per the sanctioned plan.

4. Having heard the learned advocates appearing for the respective parties and noting that the construction has come up on an existing building, I am of the view that the municipal authorities must carry out an inspection of the premises in question upon notice to the respondent no. 6. Considering the fact that the above is a dwelling housing and the same is the residence of the private respondent, the petitioners shall not be permitted to participate in such inspection.
5. If, on the basis of the inspection to be carried out, the municipal authorities are of the view that there has been no deviation and the construction is as per the sanctioned plan, no further steps may be necessary in this regard. If, however, any deviation is noted, appropriate steps shall be taken.
6. The entire exercise shall be completed within two weeks from the date of communication of this order. The outcome of the decision must be communicated to the petitioners by passing a reasoned order.
7. With the above observation and direction, the writ petition is disposed of.
8. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)