

OD - 13

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

WPO(P)/2/2025
AKASH CHANDRA GUPTA
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE :
THE HON'BLE THE CHIEF JUSTICE T.S SIVAGNANAM
-A N D-
THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)
Date : 23rd April, 2025.

Mr. Oishik Chatterjee, Adv. ...for respondent no.8.

*Mr. Biswabrata Basu Mallick, Ld.AGP,
Mr. Biman Halder, Adv. ..for State respondents.*

The Court : This writ petition has been filed as a Public Interest Litigation alleging that the private respondent no.8 has put up illegal and unauthorised construction.

From the writ petition it is not clear as to how the petitioner, who is a permanent resident of Howrah, came to know about the construction put up by the respondent no.8. The petitioner has enclosed No Outstanding Certificate issued by the Kolkata Municipal Corporation dated 21.11.2024 in favour of the respondent no.8. It is not clear as to how the writ petitioner came in possession of this document as there is no averment in the writ petition to the said effect. Thus, in the given facts and circumstances there is a little doubt in the mind of this court as regards genuinity of this writ petition filed as a Public Interest Litigation.

Learned advocate appearing for the private respondent submitted that the respondent has obtained a sanctioned plan and construction has been done in accordance with the sanctioned plan. This court is not required to issue any direction to the authorities to take action in accordance with law. If the Kolkata Municipal Corporation has approved a plan, it is also the duty of the Kolkata Municipal

Corporation to ensure that the construction be done in accordance with the sanctioned plan for which periodic inspection has to be done.

Therefore, the Kolkata Municipal Corporation shall take note of the above observation and also to ensure that the construction is done strictly in accordance with the sanctioned plan said to have been issued in favour of the respondent no.8.

Learned advocate appearing for the respondent no.8 submitted that prior to inspection, let a notice be issued to the respondent no.8. However, we are of the view that such inspection should be a surprise inspection and if any violation is found during such inspection, then notice can be issued to respondent no.8 before taking action.

WPO(P)/2/2025 stands disposed of accordingly.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)