

25.03.2026
Item No.12
Court No.12
CP

MAT 907 of 2025
with
CAN 2 of 2025

Chitra Datta
Vs.
The Bidhannagar Municipal Corporation & Ors.

Mr. Sanjib Bandyopadhyay
.....for the Appellant.

Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag
...for the B.M.C.

The appellant is aggrieved by an order passed by the learned Single Judge, whereby, the prayer of the appellant to set aside the order of demolition passed by the Commissioner, Bidhannagar Municipal Corporation was refused.

Admittedly, the appellant had covered a space outside her doorstep which was supposedly a veranda, by construction of an iron structure with iron grills and by covering the top with a tin shed. This construction of the appellant was found to be contrary to the directions of the Commissioner, Bidhannagar Municipal Corporation.

His Lordship was of the view that the direction of the corporation was general in nature and for all the

residents of the apartment. The appellant had not been singled out. Secondly, His Lordship found that the appellant had herself given an undertaking on April 17, 2025 to the corporation by which she unequivocally accepted that she would comply with the order dated January 7, 2020 and the demolition notice dated February 25, 2025. She also undertook to remove the shed and keep the veranda open to the sky. Such process was undertaken to be completed within 15 days. Although the appellant submitted before the court that the undertaking was taken under duress, His Lordship did not accept such contention. Rather, His Lordship recorded in paragraph 11 of the order impugned, that the appellant had accepted that, she had constructed a veranda which was an enclosed area, with the help of iron structures. This was not permissible under the plan, as per His Lordship.

A coordinate Bench had directed the corporation to come back with a report in this regard. The corporation has since filed a report. It is submitted that, the mandatory open space which was covered up by the appellant has now been restored to its original position and the veranda has been left open to the sky. In the approved building plan, the space which had been covered up was to be left open to the sky and the appellant did not have any right to enclose the same. It

is also submitted that all the unauthorized constructions have been demolished.

Under such circumstances, the appeal is disposed of without further orders.

The prayer of the learned advocate for the appellant that the appellant must be allowed by us to reconstruct the veranda with an overhead shed for her protection, cannot be permitted as the same is not available in the sanction plan. No construction beyond the sanction plan can be permitted.

The connected application being CAN 2 of 2025 is also disposed of.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)