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Ct.3.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16332 of 2025

Arabinda Banerjee
Versus
The State of West Bengal & Ors.

Mr. Sanjib Seth
... For the petitioner

Mr. Md. Manuwar Ali
Ms. Shormi Dutta
... For the State.

Mr. Sandipan Banerjee
Ms. Priyanka Sen
... For Durgapur Municipal Corporation.

Mr. Atarup Banerjee
Mr. Rajdeep Pramanik
Ms. S. Roy
... For the respondent no.11.

1. Affidavit of service filed in Court is taken on record.
2. Complaining illegal construction that has come up at plot no.1386 and 1387 corresponding to LR plot nos. 967, 969, 972, 973 of Mouza – Birbhanpur, at the behest of the respondent no.11, the instant writ petition has been filed.
3. According to the petitioner, though there is no access to the above plots, the above construction has commenced. According to the learned advocate for the petitioner the construction is illegal.

4. Learned advocate representing the municipality, the learned advocate representing the respondent no.11 and the learned advocate representing the State are present in Court.

5. Learned advocate for the respondent no.11 has placed before this Court a copy of the sanctioned building plan and would submit that the building in question is coming up in consonance with the sanctioned building plan. The copy of the above plan is taken on record. According to him, the plots in question have access through a 20 ft. road which is directly accessible to the State Highways. He submits that Asansol Durgapur Development Authority has already issued land use no objection certificate for development of commercial-cum-commercial housing project (B+G+VIII) on R.S. Plot No. 1386, 1402, 1403 & L. R. plot no.967, 969, 972, 973, L. R. Khatian No. 310, 972,4896, 4906 with the area of 64 decimal of land in Mouza – Birbhanpur, J.L No. 91, Durgapur. According to him there is no illegality in the construction work. In support of his contention he has placed before this Court the communication dated 9th March, 2021, issued by the Asansol Durgapur Development Authority, which is taken on record.

6. Having heard the learned advocates appearing for the respective parties and noting, *prima facie*, from the documents placed before this Court that the construction which is going on is in accordance with the sanctioned building plan, no interference is called for. If the

petitioner is aggrieved with the sanctioned building plan issued by the municipality, it is for the petitioner to take appropriate steps in accordance with law.

7. With the above observations and directions the writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)