

WPA 23875 of 2024

Sanat Kumar Pain
Vs.
The State of W.B. & Ors.

Mr. S. K. Bhattacharya
Mr. S. K. Payne ...for the petitioner.

Mr. Amitava Pain
Mr. Vivek Tripathy
Ms. Aparna Dhali ...for the private respondent.

Mr. Madhu Jana
Ms. Puja Sonkar ...for the State.

Learned counsel for the petitioner submits that the private respondent has raised G+4 construction without obtaining sanction from the Zilla Parishad and in violation of building rules, thereby obstructing the egress and ingress of the petitioner. The petitioner submitted a representation in this regard before the concerned authority on 22nd March, 2024 and seeks consideration of the same.

Learned counsel for the private respondent produces a sanctioned building plan which indicates that the construction is being raised upon obtaining a sanctioned plan from the concerned Zilla Parishad.

Therefore it cannot be said that the construction has been raised without a sanction. However, since the petitioner alleges violation of building rules/deviation from the sanctioned plan by the private respondent, the

Sabhadhipati, Hooghly Zilla Parishad, being the 3rd respondent herein, is directed to consider and dispose of the representation submitted by the petitioner dated 22nd March, 2024 within four weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner and the private respondent, in accordance with law.

The decision taken by the authority shall be communicated to the parties within a week thereof.

In the event the construction raised by the private respondent is found to be in violation of the sanctioned building plan, the concerned authority shall take necessary steps in accordance with law.

It is made clear that the alleged encroachment of the petitioner's property shall be dealt with by the learned civil court. The 3rd respondent shall deal with the alleged deviation from the sanctioned plan.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)