

Item No. 12

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

05.12.2023
Ct-24
AGM

WPA 12310 of 2023
Prakash Chandra Maity @ Prakash Maity & Anr.
v.
The State of West Bengal & Ors.
with
CAN 2 of 2023,
CAN 3 of 2023
&
CAN 4 of 2023

Mr. Anjan Bhattacharya
Mr. Sunny Nandy
Mr. Subha Pathak
Mr. Abdullah Bin Masi
... for the petitioners.

Mr. Sanjay Saha
... for the respondent nos. 2 & 3.

Mr. Manoranjan Jana
... for the respondent nos. 10 & 11.

Mr. Tanmoy Mukherjee
Mr. Rudranil Das
Mr. Souvik Das
... for the respondent no. 12.

The petitioners are aggrieved by the order of demolition passed by the Sub Divisional Officer, Contai on 3rd May, 2023.

The demolition order specifically records that the petitioner failed to produce authenticated permission for construction of three storied building from the competent authority.

The construction has been made in Mouza-Saiyadpur, J.L. No. 204 in front of plot no. 104/240, P.S. Ramnagar, District- Purba Medinipur. Demolition ought to have been made within seven days from the date of receipt of the order.

The petitioners try to convince this Court that permission for raising construction was obtained. Attention of this Court has been drawn to the application form for obtaining sanction submitted by the petitioner in the year 2005. It appears therefrom that application was made for raising construction over J.L. No. 205, Dag No. 2, Khatian No. 741. The site plan annexed to the writ petition is in respect of plot no. 2, J.L. No. 205, Khatian No. 741.

The petitioners have failed to produce any document to show that plan was sanctioned for raising construction over J.L. No. 204 in front of plot no. 104/240.

Learned advocate representing the private respondent has relied upon the letter written by the petitioner to the District Engineer, Zilla Parishad on 3rd April, 2023 with a prayer for regularization of three storied residential building over J.L. No. 204, 205 on Plot/Dag Nos. 2, 3 and 104/240, Khatian Nos. 520, 741 and 1172.

The aforesaid communication made by the petitioners clearly implies that there was no permission for raising construction over J.L. No 204, Plot No. 104/240 and that is the reason the petitioner sought for regularization of the three storied residential building constructed thereon.

The Panchayat and the Sub Divisional Officer afforded reasonable opportunity of hearing to all the necessary parties for production of relevant documents in support of the construction made.

As the petitioners failed to produce any document in support of the construction made, the order of demolition has been passed.

The Court does not find any error in the said order of demolition.

In view of the above, the Court refrains from interfering with the order of demolition.

The writ petition fails and is hereby dismissed.

The connected applications stand disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)