

15.07.2024
Item No.27
Ct. No. 7
KS

W.P.A. 4740 of 2014
With
IA No. CAN 1 of 2014 (Old No. CAN 8269 of 2014)
+
CAN 4 of 2015 (Old No. CAN 4362 of 2015)
+
CAN 9 of 2020
+
CAN 12 of 2023
Ritwika Biswas
Versus
The State of West Bengal & Ors.

Mr. Raghunath Chakraborty

Mr. M. Ahmed

.....For the Petitioner

Mr. Sirsanya Bandyopadhyay

Mr. Tirthankar Dey

Mr. Arka Kr. Nag

.....For the B.M.C.

1. Mr. Chakraborty, learned advocate for the petitioner draws the attention of this Court to the order dated 5th June, 2018 whereby the application being, CAN 8927 of 2017 praying for amendment of the writ petition was allowed by permitting the learned advocate on record for the petitioner to incorporate the amendments in the writ petition. The writ petitioner was further directed to serve a copy of the amended petition upon the respondents as well as on the added respondents.
2. Mr. Chakraborty, learned advocate submits that the copy of the amended writ petition has already been served pursuant to the said order, however, the copy of the amended writ petition has not been filed before this Court.
3. Petitioner is granted liberty to file the amended writ petition on or before the next date of hearing.

4. As prayed for by the learned advocate for the petitioner, leave is granted to the petitioner to file the Supplementary Affidavit, which was affirmed on 15th December, 2023. Let such Supplementary Affidavit be taken on record. A copy of such Supplementary Affidavit has been served upon the learned advocates appearing for the Bidhannagar Municipal Corporation as well as upon other respondents.
5. The grievance of the petitioner is that unauthorized constructions have been made by the persons responsible and in spite of several representations being made, no steps were taken by the Municipal Corporation.
6. Mr. Nag, learned advocate appearing for the Bidhannagar Municipal Corporation submits that the representations referred to by Mr. Chakraborty were made before the erstwhile Rajarhat-Gopalpur Municipality, which has since been merged with the Bidhannagar Municipal Corporation.
7. Mr. Nag, learned advocate submits that though all the records pertaining to the said building may not be available, but the skeleton records including the register showing the details of the plan sanctioned in respect of the premises in question is available in the office of the Bidhannagar Municipal Corporation.
8. On a query of this Court Mr. Chakraborty, learned advocate submits that the petitioner has obtained copies of the sanctioned building plan in respect of the six towers in question and copy of such sanctioned building plan has been filed alongwith the Supplementary Affidavit as well as the amended writ petition.

9. Bidhannagar Municipal Corporation is directed to depute competent officials to inspect the premises in question and submit a report indicating whether the construction is in accordance with the sanctioned building plan annexed to the Supplementary Affidavit as well as records maintained in the office of the Bidhannagar Municipal Corporation and whether there is any violation of the same. Needless to state that physical inspection of the property in question has to be made upon prior notice to the persons responsible as well as the occupiers/owners of the building in question. In addition to notices being served upon the individual occupiers/owners, the Municipal Corporation shall also paste copy of the notice of inspection at conspicuous places of the said building intimating the owners/occupiers about the date as well as purpose of such inspection.
10. Let such inspection be carried out within a period of two weeks from date. The report of such inspection shall be filed on the next date of hearing.
11. List this matter on 1st August, 2024.

(HIRANMAY BHATTACHARYYA, J.)