

05.11.2024  
Item No.19  
RP  
Ct. No.7

**WPA 4740 of 2014**  
**Ritwika Biswas**  
**Vs.**  
**The State of West Bengal & Ors.**

**+**  
**IA No.CAN 1 of 2014 (Old No.CAN 8269 of 2014)**  
**IA No.CAN 4 of 2015 (Old No.CAN 4362 of 2015)**  
**IA No.CAN 9 of 2020**  
**IA No.CAN 12 of 2023**

Mr. Raghunath Chakraborty  
Mrs. Amrita Dey  
Ms. Mohana Das  
....for Petitioner

Mr. Tulshi Das Ray  
Mr. Tirthankar Roy  
....for Added Party

Mr. Arka Kumar Nag  
Mr. Tirthankar Dey  
....for BMC

**In Re: CAN 12 of 2023**

1. The writ petitioner has filed this application praying for addition of flat owners of the 5<sup>th</sup> floor in respect of block nos.A, B and C of the complex in question, namely, Sreya Residency. The writ petitioner has prayed for cancellation and/or revocation of the revised sanction plan and completion plan.
2. Initially, G+4 storied construction was made and, thereafter, an additional storey i.e. 5<sup>th</sup> Floor was constructed. The petitioner alleges that the said construction of the 5<sup>th</sup> floor is an illegal one. The petitioner further states that the flat owners of the 5<sup>th</sup>

floor of block nos.A, B and C are necessary parties in this writ petition.

3. Heard Mr. Chakraborty, learned advocate in support of this application and Mr. Nag, learned advocate for the Bidhannagar Municipality and Mr. Ray, learned advocate for the proposed parties sought to be added in this writ petition.
4. After hearing the learned advocates appearing for the respective parties and considering the scope of the writ petition, this Court is of the considered view that the flat owners of the 5<sup>th</sup> floor of block nos.A, B and C are necessary parties in this writ petition as the writ petitioners have alleged that the 5<sup>th</sup> floor of the aforesaid Blocks have been constructed illegally.
5. Accordingly, the persons, who have been impleaded as proposed added respondents, as mentioned in the cause title of the application for addition of party, be added as respondents to this writ petition.
6. Department is directed to carry out necessary amendments in the cause title of the writ petition within a period of two weeks from date.
7. Accordingly, CAN 12 of 2023 is allowed.
8. Learned advocate-on-record of the petitioner is directed to serve a copy of the amended writ petition with amended cause title upon Mr. Ray, learned advocate for the added respondents within a period of two weeks after the amendment is carried out by the department

concerned. The added respondents will be at liberty to file affidavit-in-opposition to the amended writ petition within a period of three weeks after service of a copy of the amended writ petition. Reply thereto, if any, be filed within a week thereafter.

9. Learned advocate-on-record of the petitioner is directed to serve a copy of the amended cause title of the writ petition upon Mr. Nag, learned advocate for the Bidhannagar Municipality.
10. Parties will be at liberty to mention this matter for inclusion in the list for hearing after expiry of the period fixed for exchange of affidavits.

**(HIRANMAY BHATTACHARYYA, J.)**