

03.06.2025
(2nd S/L. 04)
Ct.-07
(Susanta
Aminur)

W.P.A. 12394 of 2025

Biplab Bikash Mitra

-Vs-

Public Works Department (PWD) & Ors.

Mr. Rabindra Narayan Dutta,
Mr. Sibasis Ghosh,
Mr. Samir Chakraborty,
Mr. Ardhendu Nag,
Mr. Arka Mukherjee,
Mr. Koushik Bhattacharya,
Mr. Dibakar Das,

.... For the Petitioner.

Mr. Swapan Banerjee, Ld. AGP,
Ms. Sumita Shaw,
Mr. Diptendu Narayan Banerjee,
Mr. Soumen Chatterjee,

.... For the State.

1. The present writ petition challenges the post-facto sanction of the building plan granted in favor of respondent no. 9, aimed at regularizing the construction made by him in contravention of the applicable building rules.
2. Mr. Dutta, learned advocate representing the petitioner, submits that private respondents Nos. 9 and 10 have been making constructions in contravention of the applicable building rules.
3. He submits that there is no provision in the building rules for the grant of post-facto sanction of any building plan.

4. Despite service, none appears on behalf of the Municipality and the private respondent nos. 9 & 10.
5. Mr. Banerjee, learned Additional Government Pleader, enters appearance on behalf of the State. He submits that although the Municipality is the answering respondent, he concedes the submission advanced by Mr. Dutta that the applicable building rules do not contain any provision for the grant of post-facto sanction in respect of constructions already made in violation of those rules.
6. In view of the submission made on behalf of the State, I am of the opinion that it would be appropriate to pass an interim order restraining the private respondents from carrying out any further construction and from creating any third-party interest in the property.
7. This interim order shall remain in force until the end of June or until further orders, whichever is earlier.
8. The petitioner is directed to serve a copy of this order upon private respondent Nos. 6 and 9, as well as the non-appearing respondents, namely respondent Nos. 9 and

10 and the Municipality, and to file an affidavit of service on the returnable date.

9. The respondents shall be at liberty to file an application for variation, modification, or setting aside of this interim order if they are so advised.

10. Let the matter be placed before the appropriate Bench one week after the Summer Vacation of this Court, subject to its convenience.

11. Parties to act on the server copy of this order duly downloaded from the official website of this Court.

(Partha Sarathi Chatterjee, J.)