

06.08.2025
Ct. No.3
Sl. Nos.5 & 6
akd

W. P. A. 12394 of 2025
(CAN 1 of 2025)

[Biplab Bikash Mitra -Vs- Public Works Department (PWD) & Ors.]

W I T H

W. P. A. 26809 of 2024

[Biplab Bikash Mitra -Vs- The State of West Bengal & Ors.]

Mr. Rabindra Narayan Dutta
Mr. Sibasis Ghosh
Mr. Arkoday Mukherjee
Mr. Soham Banerjee
... .. for the petitioner

Mr. Sirsanya Bandyopadhyay
Mr. Arka Kumar Nag
Mr. Tirthankar Dey
... .. for the BMC

Mr. Arnab Roy
Ms. Sayani Ahmed
... .. for respondent nos.8 & 9
[in WPA 12394 of 2025]

Mr. Satyam Mukherjee
Mr. Purnendu Shekhar Ghosh
Mr. Saibal Rakshit
... for respondent nos.10 & 11
[in WPA 12394 of 2025]
... for the applicant
[in CAN 1 of 2025]

Mr. Swapan Banerjee
Mr. Diptendu Narayan Banerjee
... .. for the State
[in WPA 12394 of 2025]

Ms. Piyali Sengupta
Ms. Tuli Sinha
... .. for the State
[in WPA 26809 of 2024]

Re : C. A. N. 1 of 2025

1. Learned counsel for the applicant submits that he does not wish to press the present application.
2. Accordingly, the application stands dismissed as not pressed.

Re : W. P. A. 12394 of 2025

3. Exception to the report filed on behalf of the respondent nos.2 to 4 is taken on record.

4. Learned counsel for the petitioner submits that the report filed by the respondent-Bidhannagar Municipal Corporation does not address the issue of post-facto approval of the building plan. He further submits that the Bidhannagar Municipal Corporation has sanctioned the building plan after the construction had been partially carried out. It is his contention that the respondent-Corporation has no power to grant post-facto approval of the building plan.

5. Learned counsel for the respondent-Bidhannagar Municipal Corporation submits, on instruction, that no post-facto approval has been granted and that the building plan has been sanctioned only for raising fresh construction, strictly in accordance with the sanctioned plan.

6. Learned counsel for the private respondent nos.8 and 9 submits that his clients had carried out some illegal and unauthorized constructions prior to sanction of the building plan. He contends that the private respondent nos.8 and 9 are ready and willing to demolish the illegal and unauthorized construction, which has been carried out prior to sanction of the building plan. He further submits that the private respondent nos.8 and 9 shall henceforth undertake construction only in compliance with the valid sanctioned building plan accorded to them on 20.04.2025 by the Bidhannagar Municipal Corporation.

7. Learned counsel for the private respondent nos.10 and 11 submits that there is no averment in the writ petition with regard to the post-facto approval as far as the property of his clients is

concerned. He further submits that the private respondent nos.10 and 11 have a valid sanctioned building plan issued by the Bidhannagar Municipal Corporation on 06.01.2025. He also submits that the private respondent nos.10 and 11 had undertaken the construction on the said plot on the basis of the aforesaid valid sanctioned building plan, and that the said construction has been stopped in view of the stay order passed by this court on 03.06.2025.

8. In light of the above submissions, this Court is of the view that this matter can be effectively adjudicated only upon exchange of affidavits by the parties.

9. Accordingly, let affidavit-in-opposition be filed by the respondent-Bidhannagar Municipal Corporation as well as the private respondents within two weeks from date. Reply thereto, if any, be filed one week thereafter.

10. Let both the matters be listed on **03.09.2025**.

11. Interim order granted earlier vide order dated 03.06.2025 is modified to the extent *qua* respondent no. 10 is concerned wherein she is permitted to carry out her construction work strictly in accordance with the valid sanctioned building plan. However, she shall not carry out any construction in deviation of the said sanctioned building plan.

12. Interim order granted in respect of respondent nos.8 and 9 shall remain in force for a period of five weeks from date or until further orders, whichever is earlier.

(Gaurang Kanth, J.)