

07.07.2025
Sl. No.30
Ct.3/ tkm

W.P.A. 29200 of 2024

Dr. Malaya Mukherjee & Anr.
vs.
Durgapur Municipal Corpn. & Ors.

Mr. Arindam Banerjee, Sr. Adv.
Mr. Tanmoy Mukherjee
Mr. Sagnik Basu\
Mr. Arjun Bhajan
Md. D Khan
Ms. S Sinha Roy
Mr. A Banerjee
Mr. Anuj Chakraborti

... .. for the petitioners

Mr. Sandipan Banerjee
... .. for Durgapur Municipal Corpn.

1. Affidavit of service is taken on record.
2. The Petitioners have filed the present writ petition being aggrieved by the inaction of the respondent authority in not disposing petitioners' application for sanction of revised building plan submitted on 23.8.2023, in respect of the plot no. C1 over CS plot no. 220 (P) Khatian No. 147, 151 & 163 Mouza Gopinathpur JL No. 85, PS Faridpur, Dist Paschim Bardhaman (Holding no. 7/N ward no. 27 Street-Market Street, Sec-2B Durgapur). The petitioners are operating a hospital under the name and style of 'Citizen Hospital' at plot no. C2 in association with Indian Medical Association (IMA) with the intention of expanding the

hospital. The petitioners, through the owner of the adjacent plot C1, Mr. Asit Dawn applied for a building sanction which was duly approved on 3.3.2022. Pursuant thereto, the petitioners commenced construction at plot no. C1 in accordance with the sanctioned plan. However, during the course of the construction certain technical requirements necessitated revision of the original plan. Accordingly, a revised building plan was submitted by the petitioners on 23.8.2023.

3. Despite repeated follow up and representations made to the respondent-authorities, the revised plan has not been processed or sanctioned. In the meantime the petitioners proceeded with the construction in accordance with the revised plan and has completed the building and commenced operation therein. However till date the respondent has neither revised the sanctioned plan nor has acted upon the representation of the petitioners.
4. Learned counsel for the Durgapur Municipal corporation submits that the authorities are ready and willing to decide petitioners' representation dated 24.1.2024.

5. Learned counsel for the petitioners submits that his client shall be satisfied if the same is decided within a time bound manner.
6. In view of the statement made by the learned counsel for the parties, this court directs the respondent no. 4 to decide petitioners' representation dated 24.1.2024 strictly in accordance with law within a period of 12 weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioners as well as other stake holders by way of a speaking order.
7. With the above direction, the present writ petition is disposed of.
8. Since no affidavit is called for, allegations made in the writ petition are deemed to have been denied.

(Gaurang Kanth, J.)