

(2013) 04 CAL CK 0044
In the Calcutta High Court
Case No : W.P. No. 7697 (W) of 2013

Samir Brahmachary

APPELLANT

Vs

Board of Councilors, Khardah Municipality and Others

RESPONDENT

Date of Decision : 30-04-2013

Acts Referred:

Citation : (2013) 04 CAL CK 0044

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Judgement

Jayanta Kumar Biswas, J.—Advocate for the petitioner in this WP under art. 226 of the Constitution of India dated March 11, 2013 has submitted that the petitioner is actually alleging inaction on the part of the Chairman of Khardah Municipality in that the Chairman has not taken any step on the basis of the his complaint dated January 8, 2012 (WP p. 26). The document at p. 26 is a letter of as many as seventy-five persons dated January 8, 2012 addressed to the Chairman of Khardah Municipality. The petitioner was not one of the seventy-five persons who sent the letter asking the Chairman "to recall sanction of building plan in respect of A-28 Regent Park, Ward No. 5."

2. Advocate has submitted that s. 220 of the West Bengal Municipal Act, 1993 created an obligation of the Chairman to take action on the basis of the representation.

3. The provisions of s. 220 of the West Bengal Municipal Act, 1993 do not empower the Chairman of a Municipality to revoke a sanction granted to anyone for erecting a building. Such power has been conferred only on the Board of Councillors by the provisions of s. 217 of the Act. I am, therefore, unable to accept that by not giving any attention to the letter the Chairman has committed any wrong. For these reasons, I dismiss the WP and say that nothing herein shall prevent the petitioner from submitting appropriate application for revocation of sanction. No costs. Certified xerox.