

23.09.2020.
Item no. 9.
Court No.13
ap

W.P.A. No. 5942 of 2020
With
CAN 1 of 2020 [Old No. CAN 4085 of 2020]
(Through Video Conference)

Md. Shahid Parvez
Versus
The Kolkata Municipal Corporation & Ors.

Mr. Moloy Kumar Singh,
Mr. Sandip De,
Mr. Supriya Ranjan Saha.

...For the petitioner.

Mr. Amitesh Banerjee, Id. Sr. Standing Counsel,
Mr. Tarak Karan.

...For the State.

Mr. Alok Ghosh,
Mr. Subhrangsu Panda.

...For the KMC.

Mr. S.R. Islam.

...For the respondent no.6.

Considering the urgency pleaded by the petitioner in CAN 4085 of 2020, the instant writ petition is taken up for hearing via video conference.

Accordingly, the application being CAN 4085 of 2020 is disposed of.

The petitioner's grievance is that the private respondent in an adjacent building is effecting illegal construction above the fourth floor of his premises. The said illegal construction, according to the petitioner, causes obstruction to the usage of his property.

A Co-ordinate Bench of this Court called for a report from the Municipal Corporation and the report has been filed.

Counsel for the Municipal Corporation, Mr. Subhrangsu Panda led by Mr. Alok Ghosh, submits that there is unauthorized construction both within and above the fourth floor in the said premises.

In so far as an internal unauthorized construction is concerned, the same according to the KMC, could be regularized in accordance with the relevant Rules.

In so far as the unauthorized construction on and above the fourth floor is concerned, the report is clear and unequivocal about the same. There is, in fact, unauthorized construction on the said building by the private respondent.

The appropriate authority of the Kolkata Municipal Corporation may take suitable steps in accordance with law as regards such unauthorized construction as expeditiously as possible, preferably within a period of two months from date.

In so far as the criminal proceeding initiated by the petitioner against the private respondent is concerned, the learned Senior Standing Counsel, Mr. Amitesh Banerjee, submits that his client has already registered an FIR and is conducting an investigation

into the matter and expects co-operation from the petitioner and the private respondent in this regard.

It is expected that the parties shall co-operate with the police authority in conducting of the aforesaid investigation.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(*Rajasekhar Mantha, J.*)