

19.10.2020
item No.31
Ct. No.24
Saswata

**WPA 7547 of 2020
With
IA no. CAN 1 of 2020
(via video conference)**

**Ekbal Hossain Halder
-vs-
The Kolkata Municipal Corporation & ors.**

Md. Sarwar Jahan
Mr. Maidul Islam Kayal
... for the petitioner

Mr. Subhabrata Datta
Mr. Debashis Sarkar
... for the State

Mr. Ranajit Chatterjee
Ms. Tanushree Dasgupta
... for KMC

The petitioner complains of unauthorized construction.

The State, Corporation and the private respondents are represented.

Learned advocate for the Corporation submits that the Corporation inspected the locale and on inspection found encroachments on the mandatory open space on all sides. The Corporation invoked the provisions of Section 401 of the Kolkata Municipal Corporation Act, 1980. He submits that there is a civil dispute between the private parties.

In the facts and circumstances of the present case, since the Corporation took steps as noted above, and since the Corporation found that there is encroachment on mandatory open space, the Corporation authorities should initiate proceedings under Section 400 (1) of the Kolkata Municipal Corporation Act, 1980 within a period of four weeks from date. It will endeavour to conclude such proceedings as expeditiously as possible. It will no doubt afford reasonable of hearing opportunity to the private parties in such proceeding.

This order will not be construed to have affected any rights of the parties in the pending civil suit before the Civil Court or before the authorities under Section 400 (1) of the Kolkata Municipal Corporation Act, 1980.

Since the Court did not invite the parties to file affidavits, allegations made in the writ petition are deemed to be denied.

The writ petition being WPA 75647 of 2020 along with application being IA No. CAN 1 of 2020 are accordingly disposed of.

(Debangsu Basak, J.)

