

ADS/L. 4.
November 27, 2020.
MNS.

W. P. A. 9249 of 2020
(**Via video conference**)

Smt. Srikanta Sarda
Vs.
The Kolkata Municipal Corporation and
others

Mr. Pankaj Agarwal,
Ms. Paramita Maity

... for the petitioner.

Mr. Sauvik Sen,
Ms. Aditi Dutta

...for the private respondent.

Mr. Amitesh Banerjee,
Ms. Ipsita Banerjee

...for the State.

Mr. Alok Kumar Ghosh,
Mr. Subhrangsu Panda

... for the Kolkata Municipal Corporation.

The grievance of the petitioner is that the Kolkata Municipal Corporation has not taken any steps with regard to alleged unauthorised construction being raised by the private respondent at the premises-in-question.

Two reports are filed in Court today, respectively on behalf of the State and the Kolkata Municipal Corporation, which indicate that a stop-work notice under Section 401 of the

Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the said Act of 1980) dated November 6, 2020 has already been issued. Pursuant to the same, a case has also been registered under Section 401A of the said Act of 1980, bearing Police Station Case No. 191 dated November 7, 2020.

Learned counsel appearing for the private respondent submits that the construction which is being raised by the private respondent is not unauthorised in nature.

However, the merits of the nature of construction cannot be gone into within the limited purview of the present writ petition.

Accordingly, W.P.A. 9249 of 2020 is disposed of in the light of the aforesaid observations.

The Kolkata Municipal Corporation is directed to take necessary steps pursuant to such notice under Section 401 of the said Act of 1980, upon giving opportunity of hearing to all the interested parties at the earliest.

There will be no order as to costs.

The parties are directed to act on the server copies of this order, as and when uploaded in the official website of this Court. In

any event, the petitioner is granted liberty to communicate the gist of this order to the respondents, even without waiting for such server copy to be uploaded, and the respondents are directed to act upon such communication.

(Sabyasachi Bhattacharyya, J.)