

WPO 333 of 2020

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

ARATI RANI GHOSH AND ORS.
Versus
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 19th October, 2020.

Appearance:

Mr. Raghunath Chakraborty, Adv.

Mr. Ranajit Chatterjee, Adv.

Ms. Tanushree Das Gupta, Adv.

Ms. Sipra Majumdar, Adv.

Mr. Sougata Mitra, Adv.

The Court : The petitioners complain of an unauthorised construction near the boundary wall of the building of which the petitioners are owners. The unauthorised construction is being done according to the petitioners by the respondent no.9 who does not have right, title or interest in the concerned premises.

Learned Counsel appearing for the petitioners places certain photographs which shows that the construction has progressed almost to two storeys and Counsel submits that there is every likelihood that unless restrained, the respondent no.9 will continue with such construction through the ensuing Puja Vacation to the detriment of the petitioners. Counsel submits that if the construction is not stopped, the petitioners will be deprived of their easementary rights as the illegal construction almost touches the boundary wall of the petitioners' building.

The petitioners seek demolition of the construction at the premises stated in the writ petition.

Learned Counsel appearing for the Kolkata Municipal Corporation being respondent nos.1 to 6, submits that the construction is unauthorised and that a "Stop-Work" notice will be issued on the respondent no.9 and the Corporation will demolish the illegal construction within six weeks from date.

No one appears for the respondent no.9. The affidavit of service is already on record.

Accordingly, WPO No.333 of 2020 is disposed of with a direction on the Kolkata Municipal Corporation and the respondent no.6 being the Executive Engineer(Buildings) to issue a "Stop-Work" notice on the respondent no.9 and take steps for demolition of the illegal unauthorised structure within a period of six weeks from date.

The petitioners are directed to serve a copy of the writ petition along with this order on the respondent no.9 within 24 hours from today.

(MOUSHUMI BHATTACHARYA, J.)

s.pal