

S/L 13
18.11.2021
Court. No. 19
GB

W.P.A. 117 of 2021

Smt. Shrabani Mandal & Anr.
VS
The State of West Bengal & Ors.

*Mr. Indranuj Dutta,
Mr. Suvajit Ghosh Dastidar,
Mr. Rahul Ghosal.*

...for the Petitioners.

*Mr. Debjit Mukherjee,
Ms. Susmita Chatterjee.*

...for the K.M.C.

*Ms. Jayeeta Sinha,
Mr. Sandip Mandal.*

...for the State.

Affidavit-of-service filed in Court today be kept with the record.

Despite service none appears on behalf of the respondent nos.7 and 8.

This writ petition has been filed challenging some unauthorized constructions at the behest of the respondent nos.7 and 8 on Premises No.64/2 Vivekananda Sarani, Post Office – Haltu, Police Station – Garfa, Kolkata – 700078.

Mr. Mukherjee, learned advocate appearing on behalf of the Kolkata Municipal Corporation submits a report prepared by the Executive Engineer (C) Building Department, Borough – XII. The report of the Executive Engineer along with the sketch map and the inspection report are taken on record.

It appears that stop work notice could not be issued as the person responsible and the owners were not present at

the locality. However, the Corporation has decided to initiate proceeding under Section 400 of the Kolkata Municipal Corporation Act, 1980.

It appears that some deviations have been detected. The writ petition is disposed of. The Kolkata Municipal Corporation shall make an inspection of the premises in question upon notice to the parties.

As it is the specific contention of the Corporation that none are residing in the alleged premises in which unauthorized construction is going on, all the notices shall be served at the addresses mentioned in the cause title and shall be hung at a conspicuous place in the premises in question.

After the inspection is over, the report shall be handed over to the parties. Thereafter, a hearing shall be given to the parties. The parties shall be allowed to file their written version along with documentary evidences. A reasoned order shall be passed and communicated to all concerned. On the basis of what transpires at the hearing and at the inspection, the Corporation shall reach the proceeding to its logical conclusion.

The entire exercise shall be completed within a period of four months from date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)