

27.01.2021
SL No.8
Court No.24
(P.M.)

WPA 247 of 2021

Bikash Kumar Pandey
Vs.
The State of West Bengal & Ors.

Mr. Arindam Sen,
Mr. Sandeep Prasad Shaw

... for the petitioners
Mr. Billwadal Bhattacharyya,
Mr. Anish Kumar Mukherjee
... for respondent No. 3 to 7.

Mr. Ziaul Islam,
Mr. Atarul Hoque
..... for the State.

Affidavit of service filed in court is kept with the record.

The petitioners are aggrieved by the notice dated 30th December, 2020 issued by the Chief Architect, New Town Kolkata Development Authority whereby the petitioner has been directed to remove the unauthorized structure, within a stipulated time frame, failing which the authority would remove such unauthorized construction and the removal cost will be charged to the concerned shop owners.

The petitioner submits that the petitioner had purchased the shop room No. G1 at NBCC shopping complex of NBCC VIBGYOR Towers, New Town, Kolkata upon payment of valuable consideration.

A bare perusal of the notice impugned in the writ application gives an indication that some illegal constructions in the common area of the shopping complex

have been made. The same according to the authority is beyond the sanctioned drawing. The notice does not specify in details of the illegal constructions that was made by the petitioner. In the absence of the details of the illegal construction being specifically mentioned in the notice for removal of unauthorized structures, it will not be possible for the petitioner to exactly identify the construction(s) which has been alleged to be illegal. The notice is vague and does not contain the necessary details.

In view of the above, the impugned notice dated 30th December, 2020 is set aside. The New Town Kolkata Development Authority is directed to take steps, strictly in accordance with law to proceed with the alleged illegal construction. In the event any unauthorized construction is being noticed, the same shall be clearly intimated prior to directing the petitioner to remove such unauthorized construction.

In view of the above, WPA 247 of 2021 stands allowed and accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)