

19.02.2021
SL No.19
Court No.24
(P.M.)

WPA 3292 of 2021

Ajazul Hassan Siddiqui
Vs.
The Kolkata Municipal Corporatuion & Ors.

Mr. Nizamuddin Gharami
... for the petitioner
Mr. Gopal Chandra Das,
Ms. Tanushree Das Gupta
... for the Kolkata Municipal
Corporation.
Mr. Avirup Chatterjee
... for the respondents.

The petitioner alleges that illegal construction is being carried on by the private respondent at the premises No. 13/2/7, formerly 13/2 Mahendra Roy Lane, Ward no. 59, Borough No. VII, P.S. Topsia, Kolkata – 700046 under the Kolkata Municipal Corporation.

According to the petitioner a plan has been sanctioned in respect of the said premises for construction of G+3 storied building but the private respondent has illegally constructed another floor over the G+3 construction.

The petitioner objected to the construction of the additional floor of the said premises by making representation before the Kolkata Municipal Corporation by a letter dated 4th December, 2020.

The petitioner alleges that the said representation has not been considered by the respondent authority till date.

None appears on behalf of the private respondent.

The learned advocate representing the Kolkata Municipal Corporation submits that on receipt of the complaint from the petitioner the officials of the Kolkata Municipal Corporation visited the site and a prima facie finding has been arrived at by the officers that there has indeed been an unauthorized construction in the said premises.

Notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 has been issued to the private respondent directing them to stop work. It has been submitted that necessary proceeding under Section 400 of the Kolkata Municipal Corporation Act will be initiated by the Kolkata Municipal Corporation in due course.

As it appears from the submission of the parties that necessary steps have been taken by the Kolkata Municipal Corporation in response to the complaint lodged by the petitioner the writ petition is disposed of by directing the Commissioner of the Kolkata Municipal Corporation to take necessary steps, in accordance with law, to conclude the proceeding dealing with unauthorized construction in the said premises at the earliest, but positively within a period of six months from the date of communication of a copy of this order.

WPA 3292 of 2021 stands 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.)