

S/L 27
30.09.2021
Court. No. 19
GB

WPA 4676 of 2021

Zahid Mahmood
Vs.
The State of West Bengal & Ors.

Md. Nauroz Rahber,
Mr. Noor Alam

...for the Petitioner.

Mr. Achintya Kr. Banerjee,
Mr. Gopal Chandra Das,
Mr. Anand Farmania.

...for the K.M.C.

The petitioner is the president of a registered society. The petitioner alleges unauthorized construction on Premises No.55 Narkeldanga, North Road, Kolkata.

A complaint was lodged with the Kolkata Municipal Corporation. According to the petitioner, the Corporation has not taken any steps and such unauthorized construction is still going on. Aggrieved, the petitioner is before this Court.

Mr. Banerjee, learned advocate appearing on behalf of the Kolkata Municipal Corporation submits a report along with the minutes of the inspection, which was held by the authorities of the Corporation on December 29, 2020. It also appears that a stop work notice was issued upon the persons who were found at the premises. Intimation was also given to the police authorities. The persons responsible according to the Kolkata Municipal Corporation are Sk. Islam, Asma Bibi and others. As the Corporation has already taken steps in the matter and has prima facie found that some work was going

on, , the Court is of the view that the Corporation must reach the proceeding to its logical conclusion in terms of Section 400 of the Kolkata Municipal Corporation Act, 1980. An inspection shall be held in presence of the parties. The report of the inspection shall be supplied to the parties. Thereafter upon hearing both the parties or their legal representatives or any person claiming to be the person responsible, the matter shall be disposed of.

The entire exercise shall be completed within a period of five months from date.

Needless to mention that the Corporation shall act and proceed in accordance with the statutory provisions on the basis of what transpires at the inspection and at the hearing.

Let the records produced by Mr. Banerjee be retained with the file. The proceeding shall continue on the basis of the further inspection to be made by the Corporation and upon hearing the persons responsible as determined by the Kolkata Municipal Corporation. As there is no clarity with regard to the identity of the persons responsible in the writ petition, the Corporation will be entitled to paste the notice of hearing and notice of inspection at a conspicuous place at the premises. If none appear before the claiming responsibility for the said construction, the corporation will proceed in the absence of such party.

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 server copy of this order.

(Shampa Sarkar, J.)