

S/L 11
14.09.2021
Court. No. 19
sn

WPA 8010 of 2021

Suman Chatterjee
Vs.
The Kolkata Municipal Corporation & Ors.

(Through Video Conference)

Mr. Rajdeep Ray
Mr. Abhijit Boral ...for the Petitioner.

Mr. Gopal Chandra Das
Ms. Sabnam De ...for the KMC

Mr. H.S. Chakraborty *..for the State*

Mr. Amitabha Ghosh
Mr. Sk. Sujauddin
Ms. Nabinata Chatterjee ..for the respondent no.5

The writ petition has been filed alleging that the sanction plan granted by the Kolkata Municipal Corporation to the respondent no.5 was in violation of the Building Rules. By an order dated August 24, 2021, this Court had directed the Kolkata Municipal Corporation to file a short report with regard to the allegations. The Executive Engineer (C) , Building Department, Kolkata Municipal Corporation, Borough-II, has filed a report indicating that the building plan was sanctioned as per rules and over road of the Corporation measuring about 5 ft. 06 inches and a strip of land in front of the premises was also gifted to the Kolkata Municipal Corporation for widening the road up to 1.75 metre from the centre line of the existing road.

Mr. Das, learned advocate for the Kolkata Municipal Corporation submits the resolution of the Municipal

Building Committee, which shows that the sanction was given upon considering the local features and the compliances as per the building rules.

This Court is not in a position to grant the reliefs to the petitioner, as prayed for in this writ petition. However, if the petitioner approaches the Corporation with regard to the further allegations about non-compliance of the building rules by the respondent no.5 on the basis of which the sanction plan was given, then the Corporation shall dispose of such representation of the petitioner in accordance with law. A reasoned order shall be passed upon hearing the petitioner and the respondent no.5. The Corporation shall complete the entire exercise as directed hereinabove, within four weeks from the date of receipt of the petitioner's representation.

This writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)