

S/L 9
08.07.2021
Court. No. 19
GB

W.P.A. 10725 of 2021

Ashish Seal
Vs.
Kolkata Municipal Corporation & Ors.

(Through Video Conference)

*Mr. Tapas Mukherjee,
Mr. Souri Ghosal.*

...for the Petitioner.

Despite service, none appears either on behalf of the Corporation or the private respondents. Mr. Shubransu Panda, learned advocate, who is present in Court and who usually appears for the Kolkata Municipal Corporation, is requested to appear in this matter. His appearance may be regularized.

The petitioner claims to have obtained probate in respect of Premises No.237K, Maniktala Main Road, now Satin Sen Sarani, Police Station Narkeldanga, Kolkata – 700054 within Ward No.29 of Borough No.III of the Kolkata Municipal Corporation. The probate was granted by this Court on February 19, 1987 in P.L.A No.5 of 1987.

According to the petitioner, the person who is in occupation of the property as an heir of the deceased tenant, has been raising unauthorized construction. It is the contention of the petitioner that despite several letters to the municipal corporation, the corporation has sat tight over the matter and has not taken any action whatsoever.

Aggrieved, the petitioner has moved this Court. It is the specific case of the petitioner that there is a nexus between the corporation and the person who is allegedly making the unauthorized construction.

Having considered the submission of Mr. Mukherjee, this writ petition is disposed of with a direction upon the competent authority of the Kolkata Municipal Corporation to take immediate action on the basis of the complaints lodged by the petitioner. Needless to say that the corporation is not required to decide or enquire into the landlord-tenant dispute, which is beyond the scope of the writ petition. The corporation is required to ensure that no illegal or unauthorized construction is carried on in the premises in question at the behest of either of the parties. The corporation shall make a joint inspection in the presence of the petitioner as also the respondent no.6. The minutes of the inspection should be signed by both the parties. The inspection report should be provided to both the parties and in case illegal construction is detected, immediate steps for stopping the work should be taken and thereafter the corporation should proceed in accordance with law. The corporation shall observe the principle of natural justice and follow the procedure prescribed by the statute with regard to any action to be taken on the basis of the inspection.

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

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.)