

19.07.2021
Court No. 19
Item no.16
CP

WPA 11130 of 2021

Amit Saha & anr.
Vs.
The Kolkata Municipal Corporation & ors.

(via video conference)

Mr. Siddhartha Banerjee
Ms. Soni Ojha
Mrs. Sambrita Biswas Chatterjee

....for the petitioners.

Ms. Tanushree Dasgupta
Mr. Amit Chowdhury

....for the KMC.

Mr. Chandra Bhanu Sinha
Mr. Rohit Kumar Shaw
Ms. Kajol Chattopadhyay

....for the respondent no. 8.

The writ petition has been filed challenging unauthorized construction by the respondent no. 8 on Premises no. 14N, Dum Dum Road, within Ward No. 3, Borough – I, Kolkata Municipal Corporation, Kolkata – 700030.

It is the contention of the petitioners that the respondent no. 8 has been continuing with the construction on the said land without any sanction plan. Reliance is also placed on a mention of a stop work notice issued by the Kolkata Municipal Corporation to the respondent no. 8. The petitioners

submit that despite the issuance of the stop work notice, the respondent no. 8 has been continuing with the construction.

It is the contention of the respondent no. 8 that the construction is not being made on Premises No. 14N but, on Premises No. T/14N/1D.

In any event, these are disputed questions of facts which cannot be gone into by this Court.

The writ petition is disposed of with a direction upon the competent authority, i.e. the Executive Engineer, Building Department, Borough – 1, Kolkata Municipal Corporation to consider and dispose of the representation of the petitioners dated June 16, 2021 upon hearing the petitioners and the respondent no. 8.

The authorities shall allow the parties to submit their respective documents in support of their contentions. The competent authority of the Kolkata Municipal Corporation shall make an inspection in the presence of the respective parties. On the basis of what transpires during the inspection, the Kolkata Municipal Corporation shall reach the proceeding to its logical conclusion. Interim measures can be taken by the Corporation.

This court has not gone into the merits of the claims and counter-claims of the parties. The

Kolkata Municipal Corporation shall proceed in accordance with law and independently.

The entire exercise should be concluded within a period of 12 weeks from the date of communication of this order.

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

The petitioners are directed to serve a copy of the writ petition along with the server copy of this order upon the Kolkata Municipal Corporation.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)