

22.07.2021
Court No. 19
Item no.21
CP

WPA 11238 of 2021

Sanjit Kumar Roychowdhury & anr.
Vs.
Kolkata Municipal Corporation & ors.

(via video conference)

Mr. Rajdeep Bhattacharya

....for the petitioners.

Mr. Subhrangsu Panda
Ms. Sangita Roy

....for the KMC.

Mr. Tapan Kumar Dey
Mr. Nirupam Sarkar
Mr. Rakesh Roy

....for the private respondents.

The writ petition has been filed challenging an unauthorized construction by the respondents 6, 7 and 8. It is the contention of the petitioners that without a valid sanction plan, the construction is going on at Premises No. 256/1, Chittaranjan Colony, Post Office and Police Station Jadavpur, Kolkata – 700032. It is also contended by the petitioners that despite several complaints the Kolkata Municipal Corporation has not taken any steps in this regard.

Mr. Panda, learned advocate appearing on behalf of the Kolkata Municipal Corporation, submits

that proceedings have been initiated. A 'stop work notice' has been issued. He further submits that due to the lockdown announced by the State of West Bengal, further action could not be taken with regard to the proceedings already initiated against the petitioner.

It is the submission of Mr. Dey, learned advocate appearing on behalf of the respondent nos. 6,7 and 8 that the predecessor-in-interest of the said respondents filed another writ petition against the petitioners alleging encroachment and illegal construction.

Be that as it may, as there is an allegation of unauthorized construction and the Kolkata Municipal Corporation has also taken cognizance of the fact, nothing remains to be decided in this writ petition.

The writ petition is disposed of with a direction upon the competent authority Kolkata Municipal Corporation to reach the proceedings initiated on the basis of the complaint lodged by the petitioners to its logical conclusion in accordance with law upon holding a further inspection in the presence of the respective parties and upon hearing the parties and/or their representative. A reasoned order shall be passed and communicated to all concerned. The entire exercise shall be completed within a period of

4 months from the date of communication of this order.

This order shall not be construed as an adjudication on the contentions of the respondent nos. 6, 7 and 8 in the earlier writ petition being WP 21459 (W) of 2019 filed by their predecessor-in-interest.

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

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

(Shampa Sarkar, J.)