

24.08.2021
Court No. 19
Item no.22
CP

WPA 11374 of 2021

Shailja Towers Apartment Owners Association & ors.
Vs.
Kolkata Municipal Corporation & ors.

(via video conference)

Mr. Saptangshu Basu, Sr. Adv.
Mr. Debangshu Dinda
Ms. R. Sarkar

.....for the petitioners.

Mr. Swapan Debnath
Mr. S. Panda

....for the K.M.C.

Mr. Aniruddha Chatterjee
Mr. Zeeshan Haque
Mr. T. Agarwal
Mr. S. Bhimsaria

....for the respondents 11 & 12.

The order of the Kolkata Municipal Corporation, by which the permission to construct at night was withdrawn, is kept on record.

The writ petition was filed alleging that the respondents 9 to 12 have been raising a construction on Premises No. 56A, Buroshibtola Main Road, Kolkata – 700 038, Ward No. 117 of the Kolkata Municipal Corporation by violating the norms established by the Pollution Control Board. The allegations were that the Kolkata Municipal Corporation failed to implement the direction of the

West Bengal Pollution Control Board. That the construction was going on till late hours in the night, which was creating disturbances in the neighbourhood and finally that the construction was being carried out on the basis of a sanction plan which was obtained by fraud and misrepresentation.

Mr. Chatterjee, learned advocate appearing on behalf of the persons involved with the construction, submits that the permission to construct at night has been withdrawn.

Mr. Debnath, learned advocate appearing on behalf of the Kolkata Municipal Corporation, also submits that the allegation of construction till late hours in the night and the consequent disturbance it created, does not survive in view of the withdrawal of the permission. He further submits that the allegation that the sanction plan was obtained by fraud and misrepresentation has not been brought before the Kolkata Municipal Corporation. No application has been filed before the corporation with such allegations.

Having heard the rival contentions of the parties, as the primary concern of the writ petitioner with regard to the violation of the norms of the West Bengal Pollution Control Board and construction at night has been addressed, nothing remains to be decided in the writ petition.

The writ petition is, thus, disposed of. There shall be no order as to costs.

If the petitioners have any complain with regard to the plan in question, they are at liberty to file appropriate application before the Kolkata Municipal Corporation which shall be disposed by the corporation in accordance with law after giving an opportunity of hearing to all concerned.

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

(Shampa Sarkar, J.)