

01.09.2021
Sl. No.7
srm

W.P.A. No. 11643 of 2021

Rohan Kumar Jaiswal

Vs.

Kolkata Municipal Corporation & Ors.

Mr. Rajdeep Bhattacharya,

Mr. S. Siddique

...for the Petitioner.

Mr. Srijan Nayak,

Mr. Subrangsua Panda

...for the KMC.

Mr. Avijit Sarkar

...for the State.

Mr. Syed Nasim Aejaz

...for the Respondent Nos.7&8.

Affidavit of service is taken on record.

The writ petition has been filed alleging unauthorised construction. According to the petitioner, the respondent Nos.7 and 8 have raised an unauthorised construction on Premises No.10M/1, Tiljala Shibtala Lane, P.S. Karaya, Kolkata-700039. It is the contention of the petitioner that the said construction has been done in absence of a sanction plan.

Mr. Aejaz, learned Advocate appearing for the respondent Nos.7 and 8, has produced the sanction plan before this Court which shows that the Kolkata Municipal Corporation has granted sanction of G+3 storied building. It is submitted that the construction has been going on in accordance with the sanction plan and minor deviations if any

was a *bona fide* mistake committed by the mason at the time of construction. He submits that such deviations, though minor, can always be regularised and also corrected.

The police authorities file a report before this Court and submit that a construction has been going on in the premises and the respondent Nos.7 and 8 had produced the sanction plan before the police authorities. Such report be kept on record.

Mr. Nayak, learned Advocate appearing for the Kolkata Municipal Corporation, submits that an inspection was held and some deviations have been found. A stop work notice has also been issued.

As the corporation has already taken steps in the matter, nothing remains to be decided in the writ petition, save and except, that the corporation shall initiate a proceeding in accordance with law and reach the same to its logical conclusion upon hearing the petitioner as also the respondent Nos.7 and 8 and all opportunities available to the respondent Nos.7 and 8 under the statute shall be given to the said respondents. A reasoned order shall be passed and communicated to all concerned. The entire exercise shall be completed within a period of four months from the date of communication of this order. If necessary, the corporation may also hold an inspection in presence of the parties to give an

opportunity to the respondent Nos.7 and 8 to correct any deviations that may have occurred during such construction.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)