

25.08.2021
Sl. No.6
srn

W.P.A. No. 11776 of 2021

Dipayan Majumder

Vs.

The Kolkata Municipal Corporation & Ors.

Mr. Swarup Banerjee,
Mr. Arindom Chatterjee

...for the Petitioner.

Mrs. Anwari Quraishi,
Mrs. Zainab Tahur

...for the State.

Mr. Debjit Mukherjee,
Ms. Paushali Banerjee

...for the KMC.

Despite service, none appears on behalf of the respondent Nos.7 and 8. Affidavit of service is taken on record.

The writ petition has been filed alleging unauthorised construction at Premises No.121/H/4, Keshab Chandra Sen Street, P.S.-Amherst Street, Kolkata-700009 within Ward No.38 of the Kolkata Municipal Corporation,

It is the contention of the petitioner that the respondent Nos.7 and 8 without leaving the adequate space as provided under the Building Rules have constructed a G+4 storied building on the said premises. It is also submitted that those respondents may not have a valid sanction plan. The petitioner alleges inaction on the part of the competent authority of the

Kolkata Municipal Corporation in taking steps pursuant to the complaints made by the petitioner.

Mr. Mukherjee, learned Advocate appearing for the Kolkata Municipal Corporation, submits a report, prepared by Assistant Engineer (Civil), Building, from which it appears that the department has already issued a 'stop work notice' under Section 401 of the Kolkata Municipal Corporation Act, 1980 on February 26, 2021 and the department has also filed a complaint before the Amherst Street Police Station under Section 401A of the Kolkata Municipal Corporation Act, 1980.

Under such circumstances, once the Corporation has already initiated a proceeding in terms of Section 401 of the Kolkata Municipal Corporation Act, 1980 and has also filed a complaint before the concerned police station, nothing remains further to be decided in this writ petition, save and except, that the Corporation is directed to reach the proceedings to its logical conclusion in terms of the provisions of the statute after giving an opportunity to the petitioner as also to the respondent Nos.7 and 8 to make their submissions before the competent authority in this regard. The Corporation shall make a joint inspection in presence of the petitioner as also the representative of the respondent Nos.7 and 8. The report of the inspection shall be supplied to the respective parties.

Thereafter a hearing shall be given and a reasoned order shall be passed and communicated to all concerned.

This Court has not gone into the merits of the complaints of the petitioner and the Corporation shall take steps in accordance with law.

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.)