

23.11.2021
Court No. 19
Items No. 6
CP

WPA 10242 of 2019

Mrs. Tahseen Akhtar
Vs.

The Kolkata Municipal Corporation & ors.

Mr. Uday Chandra Jha
Mrs. Maheswari Sharma
Mrs. Tulika Roy

.....for the petitioner.

Mr. Pradyat Sahu

...for the respondents 7 & 8.

Mr. Ranajit Chatterjee
Ms. Manisha Nath

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

Mr. Bipin Ghosh

....for the State.

Mr. Chatterjee, learned advocate appearing on behalf of the Kolkata Municipal Corporation (hereinafter referred to as the Corporation), has submitted a report prepared by the Assistant Engineer (C), Building Department. The same is taken on record.

An inspection of the premises was held. Prima facie, it appears that some unauthorized constructions in deviation of the sanction plan have been noticed by the Corporation. A 'Stop Work Notice' under Section 401 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the said Act) has been served. Intimation has also been

sent to the concerned police station. Proceedings under Section 400(1) of the said Act has been initiated and, accordingly, a hearing is under process. Although the parties were absent during the inspection, the inspection report and the other records of inspection have been supplied to the learned advocates for the respective parties in court today.

As the Corporation has already taken steps in accordance with law, nothing further remains to be decided in the writ petition, save and except, that the Special Officer (Building) who has been appointed as the adjudicating authority in this, case shall proceed with the matter in accordance with the provisions of law and reach the same to its logical conclusion. The parties will be heard and allowed to produce all documents in support of their contentions.

After considering the inspection report and the contentions of the respective parties, specially the respondents 7 to 11, a reasoned order shall be passed and communicated to all.

This court has not gone into the merits of the claims and counter-claims of the parties. The concerned authority shall proceed in a free and fair manner.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

Needless to mention that on the basis of what transpires at the hearing and what is available on record, the Corporation shall act and proceed in accordance with law and conclude the proceedings accordingly.

This order shall not have any influence on any civil suit pending between the parties, inasmuch as, matters relating to unauthorized construction is exclusively within the domain of the Kolkata Municipal Corporation.

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

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

(Shampa Sarkar, J.)