

18.11.2021
Sl. No.23
srm

W.P.A. No. 12491 of 2021

Md. Rahabuddin
Vs.
Kolkata Municipal Corporation & Ors.

Mr. Kajal Ray

...for the Petitioner.

Mr. Tapan Coomer Dey,
Ms. Manisha Nath

...for the KMC.

Affidavit of service is taken on record.

The petitioner is the developer who is constructing a building at 15B, Mansatala Lane, P.S. Watgunge, Kolkata-700023. It is the contention of the petitioner that a stop work notice was issued by the Kolkata Municipal Corporation upon detection of some deviations and the petitioner prays that the proceedings may be concluded as per law. The grievance is that due to the stop work notice, the construction has come to a standstill.

Learned Advocate for the Kolkata Municipal Corporation has submitted that there are huge illegalities in the construction and even after the stop work notice, construction continued. Two additional floors have been constructed without any permission and in violation of the stop work notice other deviations have also been detected. A

complaint was lodged with the police, but the petitioner had been granted anticipatory bail.

In view of the contentions of the learned Advocates for the respective parties, the writ petition is disposed of with a direction upon the competent authority of the Kolkata Municipal Corporation to complete the proceedings as expeditiously as possible. The proceedings shall be reached to its logical conclusion upon making an inspection of the premises in question in presence of the petitioner and thereafter granting a hearing to the petitioner in accordance with law. A reasoned order shall be passed and communicated to the petitioner. A sketch map and a report of the inspection, mentioning the nature of unauthorised construction and deviations, shall be supplied to the petitioner.

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

Report of the Assistant Engineer (C), Building Department, Br-IX, Kolkata Municipal Commissioner is taken on record.

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.)