

2.9.2021
Court No. 19
Item no.16
sn

WPA No. 12666 of 2021

Sk. Nazrul Haque
v.
Kolkata Municipal Corporation & ors.

(via video conference)

Mr. Srijib Chakraborty
Mr. Sukalyan Sarkar
..for the petitioner
Sk. Abu Sufian
Ms. Zainab Tahur
..for the State
Ms. Farnaz Nasim
..for the respondent no.8
Mr. S. Panda
..for the KMC

This writ petition has been filed challenging inaction on the part of the Kolkata Municipal Corporation with regard to complaints made by the petitioner about the unauthorised construction on premises no. 19K, Atalsur Road, P.S. Tangra, Kolkata 700046.

Mr. Chakraborty, learned advocate for the petitioner submits that the said construction has been carried out by the respondent no.8 without any sanction plan.

Mr. Panda, learned advocate for the KMC submits a short report prepared by the corporation, from which it appears that a stop work notice has already been issued.

The local police station has been intimated and the file has been processed with regard to initiation

of a proceeding under Section 400 of the Kolkata Municipal Corporation Act. The police authority has also filed a report, from which, it appears that on receiving the intimation from the Kolkata Municipal Corporation, the police authorities have visited the premises and have found that after issuance of the stop work notice, no further construction has been going on.

As the Corporation had already taken steps in the matter, this writ petition is disposed of with a direction upon the Kolkata Municipal Corporation to proceed expeditiously and take all such steps under the law with regard to the allegation of unauthorised construction. An opportunity will be given to the respondent no. 8 as also to the petitioner to be present during the inspection to be held and also at the time of hearing. A reasoned order shall be passed and communicated to all concerned. The contention of both the parties shall be heard. Parties shall be allowed to submit all documents in their favour and, thereafter, steps shall be taken by the competent authority of the corporation to reach the proceeding to its logical conclusion.

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

This Court has not gone into the merits of the claims and counterclaims of the parties and the competent authority of the corporation shall act and proceed in accordance with law.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)