

S/L 20
24.09.2021
Court. No. 19
GB

WPA 13100 of 2021

Shyamal Seal
Vs.
The Kolkata Municipal Corporation & Ors.

(Through Video Conference)

Mr. Debanik Banerjee,
Mr. Mainak Swarnakar.

...for the Petitioner.

Mr. Amitesh Banerjee,
Ms. Ipsita Banerjee.

...for the State.

Mr. D. Chakraborty,
Mr. Abhishek Sikdar.

...for the K.M.C.

Affidavit-of-service filed in Court today be kept with the record.

A notice indicating that the respondent nos.7 and 8 were informed about the writ petition being moved on an urgent basis is also filed before this along with postal receipts.

The allegation is that the respondent nos.7 and 8 have been raising an illegal construction without a sanction plan on premises no.41/H, Chetla Road, P.S. Chetla, Kolkata - 700027. Reliance is placed on a reply under the Right To Information Act by the Corporation.

Mr. Chakraborty, learned advocate appearing on behalf of the Kolkata Municipal Corporation submits that the Corporation upon an inspection had issued a stop work notice under Section 400 of the Kolkata Municipal Corporation Act, 1980. Records reveal that the petitioner has

obtained an injunction against the respondent nos.7 and 8 restraining the said persons from creating any disturbance with the petitioner's peaceful enjoyment of the property in question. It is submitted by the petitioner that despite a protective order obtained from the civil court, the Corporation has not taken any step with regard to the alleged illegal construction going on in the absence of a sanction plan.

Under such circumstances, the writ petition is disposed of without any mandatory directions. As the Corporation has already taken steps in accordance with law, the proceedings initiated by the Corporation, shall be reached to its logical conclusion upon hearing all the parties. It is made clear that no steps shall be taken by the Corporation either by way of an inspection or by way of a hearing with regard to the grievances of the petitioner, without giving an opportunity to the respondent nos.7 and 8 to participate in the proceeding at every step.

This Court has not gone into the merits of the claims of the petitioner and the Corporation shall decide the entire issue on the basis of the records and the inspection. A reasoned order shall be passed upon hearing all the parties. The order shall be communicated to the parties.

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

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)