

30.9.2021
Court No. 19
Item no. 36

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WPA No13779 of 2021

CYGNUS Developments(India) Pvt.Ltd.
Vs.
The Kolkata Municipal Corporation & Ors

(via video conference)

Mr. D. Mallick
Ms. Shreya Chowdhury
..for the petitioner
Mr. Swapan Banerjee
Mr. Somenath Ghosh
..for the State
Mr. Ranajit Chatterjee
Ms. S. Chatterjee
..for the KMC

It is submitted by Mr. Chatterjee, on instructions, that after issuance of the stop work notice by the Corporation in respect of the premises situated at plot no.390, V.I.P. Nagar, Ward No.108, no further construction has been raised. It is the prima facie view of the Corporation that there are unauthorized constructions. As the Corporation is already of the view that the contention of the petitioner with regard to the alleged unauthorized construction being raised by the respondent nos.5&6 are partially correct, this writ petition is disposed of with a direction upon the Corporation to take steps in accordance with the provisions of Section 400 of the Kolkata Municipal Corporation Act, 1980.

Needless to mention that an inspection shall be held in presence of the parties. A copy of the

inspection report shall be handed over to the parties and thereafter a reasoned order shall be passed and communicated to all concerned upon hearing all the parties.

The entire proceeding shall be reached to its logical conclusion in accordance with law on the basis of what transpires at the inspection and during the hearing.

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

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.)