

10.11.2021
Court No. 19
Item no.23
CP

WPA 14492 of 2021

Uttam Kumar Podder & ors.
Vs.
The Kolkata Municipal Corporation & ors.

Mr. Arik Banerjee
Mr. Shaunak Ghosh
Ms. S. Maity

.....for the petitioners.

Mr. N. C. Bihani
Ms. P. Banerjee

....for the K.MC.

Mr. Sounak Bhattacharya
Mr. P.G. Das

...for the respondents 6 & 7

Mr. Srijan Nayak
Ms. R. Maitra

....for the respondent no. 5.

Respondent no. 5 has filed a report which is kept on record.

The petitioners are the residents of Pottery Road, Kolkata – 700 015. The petitioners have specifically alleged that the respondent nos. 6 and 7 have been raising some unauthorized constructions in and around premises no. 51K/9 Pottery Road. The other allegation of the petitioners is that the building plan itself has been sanctioned in violation of the

building rules as the said respondents misrepresented before the Corporation.

Mr. Bhattacharya, learned advocate appearing on behalf of the respondents 6 and 7, submits that the Kolkata Municipal Corporation upon being satisfied with the compliances of the building rules granted sanction and the construction has been going on in accordance with the said sanction plan.

Mr. Bihani, learned advocate appearing on behalf of the Kolkata Municipal Corporation, submits on instructions that the building plan has been sanctioned in favour of the respondents 6 and 7. Upon inspection, the Kolkata Municipal Corporation found that so far there has not been any deviation from the said plan.

However, as there are allegations of fraud and misrepresentation on the part of the respondents 6 and 7 in obtaining the sanction plan, the matter has to be decided by the Kolkata Municipal Corporation in accordance with the provisions of law.

Under such circumstances, the writ petition is disposed of with a direction upon the respondent no. 4, i.e. the Executive Engineer (Building), Building Department, Borough – VII to dispose of the representation/complaint of the petitioners appearing at page 56, Annexure – P/4, to the writ petition in accordance with the provisions of Section

397 of the Kolkata Municipal Corporation Act, 1980. The said representation shall be disposed of upon giving an opportunity of hearing to the petitioners as also the respondents 6 and 7 and also upon allowing them to submit supporting documents to substantiate their respective cases. A reasoned order shall be passed and communicated to all concerned.

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

This court has not gone into the merits of the claims and counter-claims of the parties. The Kolkata Municipal Corporation shall proceed independently.

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.)