

S/L 20
25.11.2021
Court. No. 19
GB

W.P.A. 14806 of 2021

Md. Perwez Alam & Ors.
VS
The Chairperson, Board of Administrator, Kolkata
Municipal Corporation & Ors.

*Mr. Imtiaz Belal,
Mr. Sandip Dutta..*

...for the Petitioners.

*Mr. Pantu Deb Roy,
Mr. Anand Farmania.*

...for the State.

*Mr. Dwijadas Chakraborty,
Ms. Manisha Nath.*

...for the K.M.C.

Mr. S.R. Islam.

...for the Respondent No.7.

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

The petitioners have filed this writ petition alleging unauthorized construction at Premises No.70, Hare Krishna Konar Road, P.S. Beniapukur, Kolkata – 700014.

According to the petitioners, the respondent no.7 has permitted unauthorized construction on the mandatory open spaces in the premises. Accordingly, a complaint was lodged before the Kolkata Municipal Corporation.

Mr. Chakraborty, learned advocate appearing on behalf of the Corporation submits a report prepared by the authority of the Corporation. The same is taken on record. From the report it appears that an inspection was held and

certain deviations from the sanction plan have been found. A stop work notice has also been issued by the Corporation along with an intimation to the police.

Mr. Islam, learned advocate appearing on behalf of the respondent no.7 submits that no permanent structures have been erected. Some vendors have been allowed to sell their articles for a limited period from the said premises from some temporary sheds. Thus, according to Mr. Islam, no separate sanction plan or permission was required for the same.

These are the disputes which cannot be resolved by this Court sitting under Article 226 of the Constitution of India. The law empowers the Corporation to take such steps as may be necessary, in case any unauthorized constructions are detected.

Under such circumstances, the writ petition is disposed of with a direction upon the competent authority of the Kolkata Municipal Corporation to cause an inspection of the premises in question in the presence of the parties. A report of the same shall be handed over to the parties. Thereafter, a hearing shall be given to the parties and a reasoned order shall be passed and communicated to all concerned. At the hearing, all the parties shall be at liberty to submit supporting documents of their contentions and also make oral submissions, which shall be taken into account while disposing of the matter.

Needless to mention that this Court has not gone into the merits of the claim and counter-claim of the parties and the Corporation shall act and proceed independently and in accordance with law.

The entire proceeding shall be completed within a period of four months from date of communication of this order. As per what transpires during the hearing and at the inspection, the proceeding shall be reached to its logical conclusion.

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.)