

17.11.2021
Court No. 19
Item no.12
CP

WPA 14951 of 2021

Smt. Bandana Karmakar
Vs.
Kolkata Municipal Corporation & ors.

Mr. Jayanta Samanta
Mrs. Karunamoyee Samanta

.....for the petitioner.

Mr. S. Panda
Mrs. Susmita Chatterjee

....for the K.M.C.

Mr. Bipin Ghosh

....for the State.

Affidavit of service filed today is taken on record. Despite service none appears on behalf of the respondent no. 8.

The grievance of the petitioner is that the respondent no. 8 has been constructing without any sanction plan on Premises No. 85, Kalipada Mukherjee Road, Ward No. 123, P.S. Haridevpur, Kolkata 700008, Borough – XIII.

The court is of the opinion that the matter should be disposed of in accordance with the provisions of law by the Kolkata Municipal Corporation.

The petitioner has relied on a document received under the Right to Information Act from which it appears that the respondent no. 8 has been

constructing without a sanction plan. The petitioner also submits that in a civil suit the respondent no. 8 was restrained from disturbing the possession of the petitioner with respect to the said premises in question.

This court is not going into the merits of the claims of the petitioner. The corporation shall cause an inspection of the premises in question in the presence of the parties upon issuing 48 hours advance notice. A copy of the inspection report shall be supplied to the parties. The parties shall be entitled to make their submissions, both oral and documentary in respect of their respective contentions.

Upon hearing the parties, a reasoned order shall be passed and communicated to them. Thereafter, the corporation shall act and proceed in accordance with law and reach the proceedings to its logical conclusion on the basis of what transpires at the inspection and at the hearing.

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

It is made clear that the question of title, encroachment and dispossession etc. are matters to be decided by the civil court. The corporation will only restrict its enquiry and actions with regard to

the allegations of unauthorized construction, i.e., construction without a sanction plan or in deviation of the sanction plan.

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.)