

16.11.2021
Sl. No.23
srm

W.P.A. No. 15067 of 2021

Md. Hassan

Vs.

The Kolkata Municipal Corporation & Ors.

Mr. Bidhayak Lahiri,
Md. Kalam,
Smt. Bhuswati Lahiri

...for the Petitioner.

Mr. N.C. Bihani,
Mrs. Papiya Banerjee Bihani

...for the State-respondents.

Mr. Achintya Banerjee,
Ms. Era Ghose

...for the KMC.

Before an order is passed in this matter, the order dated October 7, 2021 requires to be modified to the extent that the names of the learned Advocates, namely, Mr. Achintya Banerjee and Ms. Era Ghose be incorporated as the learned Advocates for the Kolkata Municipal Corporation.

The department is directed to take steps accordingly.

Today, the learned Advocate for the corporation submits a written instruction, from which it appears that the allegation of the petitioner is partially correct. There are *prima facie* findings of unauthorised construction. A stop work notice has also been issued. The report filed by the police authorities annexing the letter of the corporation is taken on record.

As the corporation has already made an inspection and has *prima facie* found some unauthorised constructions, this Court is of the opinion that the writ petition must be disposed of with a direction upon the corporation to hold an inspection in the presence of the parties and thereafter supply a copy of the inspection report to the parties. A hearing shall be given to the parties. The parties shall be allowed to furnish all documents in support of their contentions. Upon conclusion of the hearing, a reasoned order shall be passed and communicated to all concerned. On the basis of what transpires at the hearing and during the inspection, the corporation shall take necessary steps and reach the proceedings to its logical conclusion as per law.

The entire exercise shall be completed within a period of four months 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 and the entire issue shall be decided by the corporation independently.

The submission of the corporation that the complainant has also raised unauthorised structures, is not taken into consideration by the Court in this writ petition. However, it is open for the corporation to act and proceed as per law.

This writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)