

Item No. 4

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

11.01.2021
Ct-24

W.P.A.13810 of 2019
Mithu Halder & Ors.
v.
The Kolkata Municipal Corporation & Ors.

Mr. Tanmay Chowhury
... for the petitioners.

Mr. Alok Ghosh
Mr. Mihir Kundu
... for KMC.

None appears on behalf of the private respondents.

The petitioner alleges that the private respondents are making unauthorized constructions over a thika property.

The learned advocate representing the Kolkata Municipal Corporation submits, upon instructions, that on receipt of the application made by the petitioner the premises in question was inspected by the Building Department and it was found that there is an under construction three storied RCC frame structure made with RCC slab with staircase, supported by RCC columns & beams with some brickwork and column with brick wall extended upto 4th story.

On demand the person responsible for making the construction fails to show any sanction plan of the said construction/building.

To stop unauthorized construction Notice under Section 401 of KMC Act 1980 has been issued upon the person responsible for making construction vide Sl. No. 2980 dated July 08, 2019.

The learned advocate for the Corporation further submits that the police has been intimated about the aforesaid unauthorized construction.

In view of the aforesaid submissions the instant writ petition is disposed of by directing the Kolkata Municipal Corporation to act strictly in accordance with law and take necessary consequential steps in respect of the aforesaid unauthorized construction, within a period of four months from the date of receipt of a copy of this order.

The instruction given by the Department to the learned advocate for the Kolkata Municipal Corporation is retained with the records.

WPA No. 13810 of 2019 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)