

26.11.2021
Sl. No.21
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W.P.A. No. 16791 of 2021
Dhananjay Kumar Singh
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Rahul Karmakar ...for the Petitioner
Mr. Abirlal Chakraborty

Mr. Achinta Kumar Banerjee
Ms. Indumouli Banerjee ..for the KMC

Mr. Himdari Sekhar Chakraborty
Mr. Naranarayan Ganguly
..for the State

Ms. Gargi Goswami ..for the respdt.12

Mr. Banerjee and Mr. Chakraborty, learned advocates for the Kolkata Municipal Corporation and the State respondents, respectively submit that the Kolkata Municipal Corporation has already issued a stop work notice in respect of the construction going on at premises No. T3B Sachin Mitra Lane Kolkata – 700 003 pursuant to the complaint received from the petitioner. Their respective reports are taken on record.

Ms. Goswami, learned advocate appearing on behalf of the respondent no.12 submits that upon receipt of the notice, the construction has been stopped by the said respondent.

Pursuant to the complaint lodged by the Executive Engineer (C), Building Department, Borough-I, Kolkata Municipal Corporation, the police have also initiated Shyampukur P.S.Case No. 20 dated February 23, 2021

under Section 401(A) of the Kolkata Municipal Corporation Act against the person responsible. As the Kolkata Municipal Corporation has already taken steps with regard to the allegations of unauthorised constructions, nothing remains to be decided in this writ petition.

The competent authority of the Kolkata Municipal Corporation shall cause an inspection of the premises in question in presence of the parties. The inspection report shall be handed over to the parties. Parties shall be at liberty to make oral submissions and also furnish documentary evidence before the authorities at the hearing to be held in accordance with law. Upon completion of the hearing, a reasoned order shall be passed and communicated to all concerned. The Corporation shall reach the proceedings to its logical conclusion on the basis of what transpires at the inspection and at the hearing.

This Court has not gone into the merits of the claims and counter claims of the parties and the Corporation shall complete the proceedings independently.

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

The report filed by the police authorities be taken on record. Such authorities will ensure that the stop

work notice is not violated. The police authorities shall proceed in accordance with law.

This 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.)