

Sl.no.21
17.11.2021.
Court. No. 19
sn

WPA 17159 of 2021

Golam Rashid
Vs.
The Kolkata Municipal Corporation & Ors.
(Through Video Conference)

Mr. Daanish Haque
Mr. Abdul Zahid
... for the Petitioner

Mr. Srijan Nayak
Ms. Rituparna Maitra
..for the State

Mr. Billwadal Bhattacharyya
Mr. Anish Kumar Mukherjee
Mr. Amrit Sinha
..for the respondent no.7

Mr. Alok Kumar Ghosh
Mr. Gopal Chandra das ..for the KMC

Let affidavit of service is taken on record.

Let the supplementary affidavit is taken on
record.

None appears on behalf of the Kolkata Municipal Corporation. Mr. Alok Ghosh, learned senior advocate, who usually appears on behalf of the Kolkata Municipal Corporation, is directed to appear in this matter. A copy of the writ petition be handed over to Mr. Ghosh.

The petitioner has alleged that the respondent no.7 has made unauthorised constructions in the

premises no.136/1, Linton Street, Kolkata 700014. It is submitted that the said construction is being carried without following the rules and regulations mandated by the statute.

A complaint has been lodged before the authorities of the Kolkata Municipal Corporation dated October 1, 2021. The said complaint is at page 16, being Annexure p/2 to the writ petition.

Mr. Bhattacharyya, learned advocate for the respondent no.7 submits that the respondent no.7 does not have any nexus with the alleged construction. He further submits that the averments in the supplementary affidavit would show that the dispute is civil in nature and a disgruntled buyer has filed the writ petition, as the deal did not come through.

Records reveal that there is an objection with regard to the alleged construction before the Corporation.

The writ petition is disposed of with a direction upon the appropriate authority of the Corporation to act and proceed on the basis of the said objection and take such steps that may be necessary against the person responsible in order to ensure that no construction must be carried on without due sanction and without following the sanction plan issued by the Corporation.

While disposing of the objection, the petitioner shall be heard along with the person responsible. As the respondent no.7 has not claimed any responsibility for the constructions and the name of the person responsible is not before the Court, all actions that may be taken by the Corporation pursuant to the order shall be done upon prior notice to the person responsible and such notice shall be pasted/hanged on the premises in question for the information and knowledge.

A reasoned order shall be passed and communicated to all concerned.

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

This order is only restricted to the allegations of unauthorised constructions and shall not have any effect on any pending proceeding.

The question of title and possession and specific performance of the contract etc. shall not be taken into consideration by the Corporation.

The report of the police authorities is taken on record. It appears that the police authorities have already informed the Corporation about the unauthorised constructions.

The writ petition is disposed of.

There will be, however, no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)