

22.01.2021
SL No.15
Court No.24
(P.M.)

WPA 8443 of 2020

Taj Ahmed @ Moti
Vs.
Kolkata Municipal Corporation & Ors.

Mr. Shibaji Kumar Das,
Mr. Ahshan Ahmed
... for the petitioner

Mr. Subhransu Panda
... for KMC.

Affidavit of service filed by the petitioner is kept with the record.

The petitioner alleges illegal and unauthorized construction being carried on in the premises No. 2H, Radha Gobinda Saha Lane, P.S. – Karaya, Ward No. 64, Borough 7 under the Kolkata Municipal Corporation.

The learned advocate appearing on behalf of the KMC submits, upon instruction, that on receipt of the complaint an inspection was conducted at the site and it was observed that G+4 storied building has been constructed at the aforesaid premises in deviation of the sanction building plan, encroaching mandatory open spaces at the front, rear and side space – I. A stop work notice was also issued under Section 401 Kolkata Municipal Corporation Act, 1980 dated 4th June, 2019 and intimation has also been sent to the local police on the said date.

None appears on behalf the private respondent, despite service.

As it appears that the Kolkata Municipal Corporation has already inspected the premises in question and has come to the conclusion that there has been deviation from the sanction building plan the Kolkata Municipal Corporation is accordingly directed to take necessary steps to deal with the unauthorised construction made in deviation of the sanctioned building plan.

Necessary steps shall be taken by the Corporation within a period of eight weeks from the date of communication of a copy of this order. The Corporation shall intimate the steps taken in the matter to the petitioner immediately thereafter.

WPA 8443 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)