

19.01.2021
S/L No. 08
Court No.24
s.biswas

WPA 8801 of 2020

Ashis Ranjan Rai Choudhury

Vs.

The Kolkata Municipal Corporation & Ors.

(Through Video Conference)

Mr. Jayanta Samanta

Ms. Karunamoyee Samanta

... .. for the petitioner

Mr. Achintya Banerjee

Mr. Subhrangsu Panda

... .. for the Kolkata Municipal Corporation

According to the petitioner, he is an occupier of a 4th floor flat at the premises no. 1907, Chak Garia (Srinagar Main Road), Ward No. 109, Borough No.XII. A notice under Section 400(1) of the K.M.C. Act, 1980 was issued in his favour, whereby he was directed to show cause as to why the construction which was made deviating the sanction plan will not be demolished. The petitioner made a representation before the Kolkata Municipal Corporation in response to the said notice in October, 2020. The petitioner submits that he is no way responsible for the alleged illegal construction. The construction was made by the developer.

The learned advocate appearing for the petitioner further submits that the developer has furnished an undertaking before the Kolkata Municipal Corporation that he will take steps for regularising the portion of the construction which has been made beyond the sanction plan.

The learned advocate appearing on behalf of the Kolkata Municipal Corporation submits, upon instruction,

that similar notices were issued to all the occupiers of the said premises. A notice of hearing was also given to the flat owners as well as the developer. The developer has entered appearance in the hearing. Final order is yet to be passed in the said proceeding.

As it appears that the Corporation is in the process of considering the representation of all the parties, there is no requirement for passing any order in the instant writ petition at this stage.

A copy of the aforesaid undertaking allegedly given by the developer, handed over to the Court by the learned advocate for the petitioner, is retained with the records.

WPA 8801 of 2020 is disposed of, accordingly.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Amrita Sinha, J.)