

S/L 19
01.12.2021
Court. No. 19
GB

WPA 9618 of 2020

Dipak Guha
Vs.
The Kolkata Municipal Corporation & Ors.

(Through Video Conference)

Mr. Soumyajit Bhatta.

...for the Petitioner.

*Mr. Achintya Banerjee,
Mr. Subhrangsu Panda.*

...for the K.M.C.

Affidavit-of –service filed in Court today be kept with the record. It appears that several services were attempted on the respondent nos.6 and 7, but the door was found locked. The postal receipts and endorsements are before this Court.

The allegation of the petitioner is that the respondent nos.6 and 7 have been constructing unauthorizedly on premises no.4/1S Abinash Chowdhury Lany in Ward-59, Borough-VII, Kolkata.

The grievance of the petitioner is the inaction on the part of the Kolkata Municipal Corporation in acting in terms of the objection raised by the petitioner.

Mr. Panda, learned advocate appearing on behalf of the Kolkata Municipal Corporation submits a report, which is taken on record. From the report, prima facie, it appears that the construction has been done without a sanction plan. The Corporation has already issued a notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 on August 26,

2020 and has made preparations for proceeding under Section 400 of the said Act.

As the Corporation has already taken care of the grievances of the petitioner, no further order needs to be passed in this writ petition, save and except, that the Corporation shall reach the proceeding initiated, to its logical conclusion in accordance with law. The Corporation shall cause an inspection of the premises in the presence of the petitioner as also the respondent nos.6 and 7 and/or their representatives. As it is informed to this Court that neither the respondent no.6 nor the respondent no.7 are available at the locale, a notice shall be affixed on the wall of the construction going on and the said notice shall be taken as good service with regard to the information of the date of inspection to the respondent nos.6 and 7 and/or their representatives. The petitioner shall also be given notice of inspection, but if the petitioner fails to appear at the time of inspection, the Corporation may proceed independently. Thereafter, a hearing shall be given to the parties and a reasoned order shall be passed and communicated to all concerned.

This Court has not gone into the merits of the issues involved in this writ petition and the Corporation shall decide the entire issue independently and on the basis of the records available.

The entire exercise shall be completed within a period of four months from date of communication of this order.

Accordingly, the 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.)