

20.09.2021
Court No. 19
Item no.15
CP

WPA 10907 of 2020

Adyasakti Saha
Vs.
Kolkata Municipal Corporation & ors.

(via video conference)

Mr. Kaushik Dey

.....for the petitioner.

Mr. Gopal Ch. Das
Ms. Manisha Nath

...for the K.M.C.

Mr. Wasim Ahmed
Mr. Tausif Ahmed Khan

.....for the State.

Mr. Chandra Sekher Banerjee
Mr. Shamit Dutta

....for the respondent no. 7.

The petitioner alleges unauthorized construction on Premises No. 153A, Dr. Suresh Chandra Banerjee Road also known as Beliaghata Main Road, P.S. Beliaghata, Kolkata. It is the contention of the petitioner that the respondent no. 7 who is merely a licensee in respect of the said premises, has been making new construction on the said premises without any sanction plan or permission from the Kolkata Municipal Corporation.

Mr. Banerjee, learned Advocate appearing on behalf of the respondent no. 7, denies the allegations and submits that the petitioner is a monthly tenant in respect of the premises no. 153E Beliaghata Main Road. Rent receipts have been produced before this court. It is further submitted that the predecessor of the respondent no. 7 had been granted a certificate of enlistment by the Kolkata Municipal Corporation for running a printing press from the said premises. It is further submitted that no new construction has been made on premises no. 153A Beliaghata Main Road, but some renovation work has been made on premises no. 153E Beliaghata Main Road as the printing press was damaged due to the cyclone 'Amphan'.

Mr. Das, learned advocate appearing on behalf of the Kolkata Municipal Corporation, submits that a 'Stop Work' notice was issued in respect of premises no. 153A Beliaghata Main Road upon inspection. Intimation was also sent to the local police station. It is further submitted that proceedings under Section 400(1) of the Kolkata Municipal Corporation Act has also been initiated against the respondent no. 7 with regard to the alleged construction on premises no. 153A Beliaghata Main Road.

Having heard the learned advocates for the respective parties, this court is of the opinion that

justice would be subserved if the writ petition is disposed of with a direction upon the competent authority of the Kolkata Municipal Corporation to dispose of the proceedings so far initiated in respect of premises No. 153A, Beliaghata Main Road, in accordance with law and reach the same to its logical conclusion. While doing so, an inspection shall be held in presence of the petitioner as also the respondent no. 7.

The report of the inspection shall be supplied to both the parties. A hearing shall be held and, thereafter, a reasoned order shall be passed and communicated to all the parties on the basis of what transpires at the hearing as also at the inspection.

This court has not gone into the merits of the claims and counter-claims of the parties. The entire issue shall be decided by the corporation independently. The question of title shall not be looked into.

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

This writ petition is, thus, disposed of. There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)