

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

WPA 11394 of 2020

**M/s. New Maa Lazmi Construction and Company & Anr.
Vs.
Kolkata Municipal Corporation & Ors.**

Mr. Suman Sengupta,
Mr. S. Chakraborty
... for the petitioners

Mr. Ranajit Chatterjee,
Mr. Subhransu Panda
... for KMC.

Mr. Barnamoy Basak
.... for proforma respondent.

The petitioners admit in the instant writ petition that at the time of construction of the building in the premises being No. 58A/1, D.C. Dey Road, Ward No. 58, Borough VII there has been some deviation.

The petitioners have applied before the Kolkata Municipal Corporation for regularization of the said deviation by letter dated 16th May, 2019 followed by several reminders.

The initial letter dated 16th may, 2019 allegedly submitted before the Kolkata Municipal Corporation praying for regularization is not on record. However, the reminders filed by the petitioners on 19th December, 2020 and thereafter are annexed to the writ petition.

According to Section 400 of the Kolkata Municipal Corporation Act, 1980 there is a provision for regularization of work done without sanction.

The prayer of the petitioners praying for such regularization is pending consideration at the end of the respondent authorities.

In view of the above, the instant writ petition is disposed of by directing the Kolkata Municipal Corporation to take necessary steps for consideration of the prayer of the petitioners for regularization of the deviation, strictly in accordance with law, after giving an opportunity of hearing to the petitioners within a period of four months from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioners immediately thereafter.

The petitioners are directed to forward a copy of the representation dated 16th May, 2020 along with the reminders to the aforesaid respondent at the time of communication of this order.

WPA 11394 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.)