

20.09.2021
Court No. 19
Item no.16
CP

WPA 11587 of 2020

Sailen Naskar
Vs.
State of West Bengal & ors.

Mr. Sumit Roy
Ms. Sarda Sha
.....for the petitioner.

Mr. Achintya Kr. Banerjee
Mr. Mihir Kundu
....for the K.M.C.

Affidavit of service is taken on record.

The allegations of the petitioner are against an unauthorized construction on premises no. 648, Rajdanga Main Road, Ward No. 107, Kolkata – 700107 by the respondent no. 8, and consequent inaction on the part of the Kolkata Municipal Corporation.

The Executive Engineer(C), Br. – XII, Kolkata Municipal Corporation has submitted a report from which it appears that some unauthorized construction of shops had been detected. The person responsible/owner of the shops which were allegedly constructed without permission, was asked to produce the relevant documents in support of such construction, but the person responsible could not produce any such document and the Corporation has initiated demolition proceedings under Section 400(1)

of the Kolkata Municipal Corporation Act, 1980. The said report is kept on record.

As the Corporation has already initiated proceedings as per the statute, nothing further remains to be decided in the writ petition. The competent authority of the Kolkata Municipal Corporation is directed to conclude the proceedings initiated in accordance with law upon allowing the petitioner as also the respondent no. 8 to participate in such proceeding, at every step. An inspection shall be held in the presence of both the parties. A copy of the report of inspection shall be supplied to both the parties. A hearing shall be held in presence of the parties and, thereafter, steps shall be taken as per the statute on the basis of what transpires at the hearing as also at the inspection.

This court has not decided the merits of the claims and counter-claims of the parties. The Corporation shall pass a reasoned order and communicate the same to all the parties and, thereafter, take such steps as required by law.

The entire exercise shall be completed 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.)