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ORDER SHEET
WPO 229 OF 2021
IN THE HIGH COURT AT CALCUTTA
COONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

MAC DEVELOPERS PRIVATE LIMITED AND ANR.
VERSUS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 20TH July, 2021.

APPEARANCE:
Mr. Jayjit Ganguly, Adv.
Mr. P. Sancheti, Adv.
Mr. R. Sarkar, Adv.
...for the petitioner

Mr. Subhankar Nag, Adv.
...for the private respondent

Mr. Ranajit Chatterjee, Adv.
Mr. S. Panda, Adv.
...for the KMC

The Court : The writ petition has been filed challenging inaction on the part of the Kolkata Municipal Corporation in revalidating and/or extending the sanction plan which expired in May, 2019 upon granting post facto regularization of the construction done after the validity of the plan expired. It is the contention of the petitioner that on the basis of a valid Power of Attorney and

Development Agreement, the petitioner was constructing a building on premises No. 21/1A/1, Darga Road being part of Holding No. 347, Mouza-Tiljala, P.S. Benia-Pukur, Kolkata-700017.

Thereafter, some disputes and differences arose between the petitioner and the respondent Nos. 5 to 7 which led to arbitration. The sanction plan expired. The same not extended/revalidated during the pendency of the dispute. It is now submitted on behalf of the respondent Nos. 5 to 7 that the disputes and differences have been settled. It is further submitted that the respondent Nos. 5 to 7 do not have any objection if the plan is revalidated and it is their further submission before this Court that the building which is near completion should be allowed to be completed by the petitioner/developer.

Learned Advocate appearing on behalf of the Kolkata Municipal Corporation submits that the matter is pending before the Special Officer Building. It appears from the records that an order was made by the Special Officer Building on March 1, 2021 calling upon the Executive Engineer (Civil) to provide some information regarding the construction that may have taken place after the validity of the sanction plan had expired. The said order appears at pages 67 and 68 of the writ petition.

Thus, when the disputes between the parties have been settled, there is no reason why the Kolkata Municipal Corporation should not consider the prayer for revalidation of the sanction plan in accordance with law.

Under such circumstances, the writ petition is disposed of with the direction upon the competent authority of the Kolkata Municipal Corporation and officers concerned to conclude proceeding that has been initiated under Section 401 read with Section 416 of the Kolkata Municipal Corporation Act, 1980 and reach the same to its logical conclusion in accordance with law. This Court has not gone into the claim and counter-claim of the parties and the competent authority of the Corporation shall decide the issue in terms of the statute and rules framed thereunder and pass necessary orders in this regard. The orders shall be communicated to the parties. The entire exercise shall be completed with a period of twelve weeks upon hearing the petitioners as also the representatives of the respondent nos. 5 to 7. The prayer for revalidation of the plan shall also be considered and disposed of accordingly within the aforementioned period.

Parties to act on the server copies of this order.

(SHAMPA SARKAR, J.)