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WPO /325/2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
(VIA VEDIO CONFERENCE)

SUDHINDRA NATH NAG

Versus

KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 3rd August, 2021.

Appearance:

Mr.Sourav Banerjee, Adv.
Mr.Arnab Dutt, Adv.
Mr.Indra Prasad Mullick, Adv.
..for the petitioner

Ms.Sipra Mazumdar, Adv.
Ms.Prativa Ghatak, Adv.
..for the State

Mr.Biswajit Mukherjee, Adv.
Ms.Manisha Nath, Adv.
..for KMC

The Court : The writ petitioner has alleged unauthorized construction by the respondent nos.6 and 7. Despite service, none appears on behalf of the said respondents.

Affidavit of service filed in Court today, is taken on record.

According to the petitioner, the respondent nos.6 and 7 have made additional construction on the first, second and third floor of premises no.11/2, Tamer Lane, Kolkata- 700009. The petitioner claims to be a neighbour, living opposite to the respondent nos.6 and 7. According to the petitioner, due to such unauthorized construction, the lane has been encroached. Such encroachment amounts to violation of the building rules as the mandatory open space required to be left in front of the premises, has not been maintained.

Mr. Mukherjee, learned advocate appearing on behalf of the Corporation has submitted a report. From the report it appears that the competent authority of the Corporation inspected the premises on April 30, 2021. During inspection the construction work was detected on the second and the third floors. The Corporation served a notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 asking the persons responsible to 'stop work'. A notice under Section 401-A of the said Act has also been served upon the persons responsible.

The police authorities on receipt of the complaint from the petitioner also enquired into the matter and requested the competent authority of the Corporation to take steps in this regard. The report filed by the police authorities is taken on record.

As the Corporation has already taken steps on the basis of the complaint lodged by the petitioner, the writ petition is disposed of with a direction upon

the Kolkata Municipal Corporation to reach the proceedings already initiated, to its logical conclusion in terms of the statute.

It is needless to mention that the petitioner as also the respondents/ persons responsible shall be given an opportunity of hearing during the proceedings to be initiated in terms of the statute.

(SHAMPA SARKAR, J.)

D. Ghosh