

ORDER SHEET

WPO 408 of 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Original Side

MD. NASIM
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 2nd March, 2021.

Mr. Ataur Rahman, Mr. Javed Majid, Advocates for the
petitioner.

Mr. Ranajit Chatterjee, Mr. Aniruddha Mitra, Advocates
for K. M. C.

Mrs. Sipra Majumdar, Mr. Sougata Mitra, Adv..for the State Respondents.

The Court : - The petitioner alleges unauthorized construction without a sanctioned plan by the private respondent in the premises no. 4/1E/1B, Convent Lane, P.S.-Entally, Kolkata-700015, Ward-56, Borough-VII under the Kolkata Municipal Corporation.

In response to the complaint lodged by the petitioner, the Kolkata Municipal Corporation have taken steps to issue a stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 on 4th January, 2021.

The learned advocate appearing on behalf of the Kolkata Municipal Corporation submits, upon instruction, that there was a sanctioned plan for construction of a three storied building which was issued on 11th October, 2010

and the same was valid till 10th October, 2015. The plan has expired but the private respondent is still going on making unauthorized construction. The matter has been informed to the Officer-in-Charge, Entally, P.S. on 4th January, 2021 for taking necessary action.

As it appears that the Kolkata Municipal Corporation is aware of the fact of unauthorized construction by the private respondent and have taken steps against the private respondent, accordingly, the respondent no.2 is directed to take necessary steps to deal with such unauthorized construction, strictly in accordance with law, at the earliest, but positively within a period of four months from the date of communication of a copy of this order. The Kolkata Municipal Corporation shall afford an opportunity of hearing to the petitioner and all other necessary parties prior to taking any action in the matter.

Instruction given by the Kolkata Municipal Corporation to their learned advocate is retained with the records.

WPO No.408 of 2020 is disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties or their advocates on record expeditiously, on compliance of usual legal formalities.

(AMRITA SINHA, J.)