

ORDER SHEET

WPO 413 of 2019
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SATYA NARAYAN KARAN & ANR.
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 22nd February, 2021

Ms. Debabrata Saha Roy, Mr. Neil Basu, Advocates for the
petitioners.

Mr. Gopal Ch. Das, Ms. Manisha Nath, Advocates for K.M.C.
Mr. Arun Shaw, Mr. Tanmoy Basu, Advocates for respondent nos.6, 8 to 15 and 22.
Ms. Sipra Mazumdar, Mr. Sougata Mitra, Advocates for the State.

The Court : The petitioners allege illegal and unauthorised construction of a mandir on a road which is blocking his free ingress and egress to the property being premises no.131, Dakshin Para Road, Police Station – Thakurpukur, Kolkata – 700 063.

A report was sought for from the Kolkata Municipal Corporation. The Overseer, Ward No.125, Borough XVI and the Assistant Director, Solid Waste Management-1, Borough XVI, Kolkata Municipal Corporation filed a report dated 29th December, 2020 before this Court wherein it was mentioned that the site was inspected and one mandir on the Corporation

road obstructing the ingress and egress to the petitioner's landed property was noticed.

The Court directed the Corporation to ascertain as to whether the mandir was constructed on the Corporation road or not. A report dated 12th February, 2021 has been prepared and filed jointly by the Sub Assistant Engineer (Civil), OSD and E.O. Ch. V & S and the Assistant Engineer (Civil) which mentions that the Chief Valuer & Surveyor's Department inspected the site on 3rd February, 2021 and on the basis of the available document lying with the department the Kolkata Municipal Corporation has opined that the land in which the temple has been constructed was not a recorded road/passage of the Kolkata Municipal Corporation.

The learned advocate for the private respondents submits that permission was not sought for prior to making the aforesaid construction.

In both the reports the Corporation has opined that a temple was constructed. Whether the same was constructed on a Corporation road or not is a separate matter altogether. Since submission has been made in court that the temple was constructed without taking any permission or sanction from the Kolkata Municipal Corporation, it will be appropriate to direct the Kolkata Municipal Corporation to take necessary steps for removal of the unauthorised construction irrespective of the fact that whether it was constructed on the Corporation road or not.

In view of the above, the respondent no.2 is directed to take necessary steps to deal with the unauthorised construction of the temple

which was built without a permission/sanction plan, in front of the premises no. 131, Dakshin Para Road, Police Station – Thakurpukur, Kolkata – 700 063, Ward no. 125, strictly in accordance with law, at the earliest, but positively within a period of six months from the date of communication of a copy of this order.

The writ petition stands disposed of.

The report filed in the form of an affidavit by the Kolkata Municipal Corporation dated 18th February, 2021 is retained with the records.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(AMRITA SINHA, J.)