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WPO 463 of 2021

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

ANANDA MOHAN ROY & ANR.
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 26th August, 2021.

APPEARANCE:

Mr. Srijib Chakraborty,Adv.
Mr. Sarosij Dasgupta,Adv.
Mr. Bimalendu Das,Adv.
Mr. P.K.Chatterjee,Adv.
Mr. Shomrik Das,Adv.

Mr. Alak Ghosh,Adv.
Mr. Fazlul Haque,Adv.

Mr. Sayantan Bose,Adv.
Mr. Sarbajit Mukherjee,Adv.

Ms. Sipra Majumdar,Adv.
Ms.Prativa Ghatak,Adv.

The Court :- The petitioner is aggrieved by the inaction on the part of the Kolkata Municipal Corporation despite having received several complaints about the alleged illegal construction carried on by the respondent nos. 9 to 13 at premises no. 13, Anukul Mukherjee Road, Malapara, Borough IV, Ward No. 21, Kolkata – 700006.

Mr. Ghosh, learned Advocate appearing on behalf of the Kolkata Municipal Corporation submits that the respondent nos. 9 to 13 were granted permission/sanction under Rule 3(2)(e) of the Kolkata Municipal Corporation Building Rules 2009 read with Section 401 of the Kolkata Municipal Corporation Act. He further submits that on receipt of the complaint of the petitioner, an inspection was made and some deviations have been detected for which the Corporation has issued a 'stop work' notice and an intimation has also been sent to the local police station. Mr. Chakraborty submits that despite having received the stop work notice, the respondent nos. 9 to 13 have continued with the construction. The corporation has also sent an intimation to the local police station.

As the Corporation has already taken steps in accordance with law, no further order is required to be passed in the writ petition save and except that the Corporation shall act and proceed in accordance with law and dispose of the complaint of the petitioner. It is also made clear that all actions that shall be taken by the Corporation shall be in accordance with the statute and upon giving an opportunity of hearing to the respondent nos. 9 to 13. This exercise should be completed within a period of three months from the date of communication of this order. This Court has not expressed any view on the merits and the Corporation shall decide the issues independently.

(SHAMPA SARKAR, J.)