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ORDER SHEET
WPO No. 490 of 2021
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

BIJOLI BASAK
Versus
KOLKATA MUNICIPAL CORPORATION & OTHERS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 31st August, 2021.

[Via video conference]

Appearance :

Mr. Anirban Majumder, Adv.
Mr. Somnath De, Adv.
Mr. Azmat Ara, Adv.
For the petitioner.

Mr. Sayantan Bose, Adv.
Mr. Sarbajit Mukherjee, Adv.
For the respondent nos. 12 to 16.

Ms. Sipra Majumdar, Adv.
Ms. Prativa Ghatak, Adv.
For the State.

Mr. Alak Kumar Ghosh, Adv.
Ms. Manisha Nath, Adv.
For K.M.C.

The Court:- In view of the order passed in WPO No. 463 of 2021, the allegations of the petitioner with regard to an illegal construction by the respondent nos. 12 to 16 on Premises No. 13, Anukul Mukherjee Road, Malapara, Borough IV, Ward No. 21, Kolkata 700 006 has already been addressed.

Mr. Alak Kumar Ghosh, learned Advocate appearing on behalf of the Corporation, submits that the stop work notice has been issued with regard to the entire construction on the premises in question and as

such, the allegations of the petitioner that the stop work notice was limited to a portion of the building is incorrect and has no basis.

Mr. Bose, learned Advocate appearing on behalf of the respondent nos. 12 to 16 submits that no illegal construction has been carried out at all, especially after the stop work notice was issued.

The petitioner submits that the petitioner was not aware of the proceedings initiated by the Corporation and the order of this Court in WPO No. 463 of 2021.

As the Corporation has already taken steps in the matter, no further order need be passed save and except that the Corporation shall act and proceed in accordance with law and dispose of the entire issue raised by the writ petitioner as directed by this Court in the order dated August 26, 2021 passed in **WPO No. 463 of 2021 (Ananda Mohan Roy & Anr.-Versus-The Kolkata Municipal Corporation & Ors.)** and reach the proceedings to be initiated pursuant to the stop work notice to its logical conclusion. The petitioner shall also be heard along with the respondent nos. 12 to 16 and the other interested parties.

Since affidavits have not been called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

WPO No. 490 of 2021 is disposed of.

(SHAMPA SARKAR, J.)