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ORDER SHEET
WPO 500 OF 2021
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

TARAK ROY
VERSUS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 02ND September , 2021.

APPEARANCE:

Mr. Raghunath Chakraborty, Adv.
Mr. M. Ahmed, Adv.
...for the petitioner

Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
..for the State

Mr. Ranajit Chatterjee, Adv.
Ms. Monisha Nath, Adv.
....for the KMC

Mr. Saptansu Basu, Sr. Adv.
Ms. Sonali Ghosh Basu, Adv.
Ms. Sonali Sengupta, Adv.
...for the respondent Nos. 6 to 8

The Court : The writ petition has been filed challenging inaction on the part of the Kolkata Municipal Corporation with regard to the complain lodged by the petitioner, alleging unauthorized construction by the respondent Nos. 6 to 8 on premises No. 54, Bagha Jatin Place, Kolkata-700086. The petitioner alleges that a pond without any conversion has been made the site of construction.

According to Mr. Chakraborty, such construction without any conversion of the pond to 'bastu' land, is not permissible in law.

Mr. Saptansu Basu, learned senior Advocate appears on behalf of the respondent Nos. 6 to 8 and submits that the corporation has already taken steps by issuing a 'Stop Work Notice' under Section 401 of the Kolkata Municipal Corporation Act, 1980. He denies the allegations of illegal conversion and illegal construction over a pond.

Mr. Chatterjee, learned Advocate appearing on behalf of the Kolkata Municipal Corporation submits a report prepared by the Executive Engineer and the Assistant Engineer Building from which it appears that the competent authority of the corporation held an inspection and issued a 'Stop Work Notice' under Section 401 of the Kolkata Municipal Corporation Act, 1980. Intimation was also sent to the police authorities.

The police authorities have also filed a report. From the report of the police authorities, it appears that on the basis of the intimation received from the competent authority of the corporation, steps have been taken.

As the competent authority of the corporation has already taken steps by issuing a 'Stop Work Notice' and as Mr. Chatterjee, learned Advocate submits that proceedings shall be initiated in accordance with law, this writ petition is disposed of without any further orders except that the competent authority of the corporation shall act and proceed in accordance with law on the basis of the complain lodged by the petitioner and reach the same to its logical conclusion. An opportunity of hearing shall be given to the petitioner and also the respondent

Nos. 6 to 8. An inspection shall be conducted in the presence of the parties. Report of the inspection shall be supplied to the parties. A hearing shall be held and the parties shall be allowed to place their documents and make their submissions in support of their respective contentions.

The final decision shall be taken by the competent authority of the corporation in accordance with law and communicated to all. The entire exercise shall be completed within a period of four months from the date of the communication of this order. Respective reports filed by the respondents are taken on record.

Parties to act on the server copies of this order.

(SHAMPA SARKAR, J.)

Sbghosh