

WPO/875/2021

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

TAPAN KUMAR BHUNIA AND ANR.
VS.
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 15th November, 2021

[Via video conference]

Appearance:

Mr. Kamalesh Bhattacharya, Adv.

Mr. M. A Samad, Adv.

Ms. Nayabb Molle, Adv.

... for the petitioner

Mr. Ranajit Chatterjee, Adv.

Ms. Manisha Nath, Adv.

... for KMC

Ms. Sucharita Ray, Adv.

... for the State

The Court: None appears on behalf of the respondent nos.6 and 7.

From the report filed by the Kolkata Municipal Corporation authority, it appears that no further construction work has been going on, after the issuance of the stop work notice. The said report is kept on record.

The petitioner has alleged unauthorised construction at premises no.213, Rajdanga Nabapally in Ward-107, BR-XII. As it appears from the records that the Kolkata Municipal Corporation has already issued a stop work notice under Section 401 of the KMC Act, 1980 and also has initiated

proceedings under Section 400(1) of the said Act, the writ petition need not be kept pending.

This writ petition is disposed of with a direction upon the competent authority of the Kolkata Municipal Corporation to act and proceed in accordance with law. An inspection of the premises shall be held by the Corporation in presence of the petitioner as also the respondent nos. 6 and 7. A copy of the inspection report shall be handed over to the parties and thereafter a decision will be taken in accordance with law by following the principles of natural justice pursuant to the proceedings which have already been initiated under Section 400(1) of the said Act. The parties shall be allowed to submit appropriate documents in favour of the contentions before the appropriate authority of the Corporation and also make their submissions.

Upon hearing the parties and upon perusal of the inspection report, a reasoned order shall be passed and communicated to all the concerned parties. The proceedings so initiated shall be reached to its logical conclusion on the basis of the inspection and the hearing given. This Court has not decided the rival contentions of the parties and the Corporation shall decide the rival issues. The entire exercise shall be completed within a period of four months.

The writ petition is disposed of.

(SHAMPA SARKAR, J.)

