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ORDER SHEET

WPO No. 1150 of 2021

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

DR. SARMILA CHANDRA
Versus
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 24th November, 2021.

[Via Video Conference]

Appearance:
Mr. R.N. Chakraborty, Adv.
Mrs. Amrita De, Adv.
For the petitioner.

Mr. Tarique Quasimuddin, Adv.
Mrs. Zainab Tahur, Adv.
For the respondent no. 9.

Mr. Dwijadas Chakraborty, Adv.
For the K.M.C.

Mr. Debasish Ghosh, Adv.
For the State.

The Court :- The only grievance of the petitioner is that the inspection report issued by the Executive Engineer (Civil)/Building/Borough-IV & V is lacking in material particulars and is completely contrary to the directions issued by this Court. The petitioner

seeks implementation of the order of this Court. The relevant portion of the order is quoted below:-

“Upon hearing the submissions made on behalf of the parties, it would be appropriate to direct the Kolkata Municipal Corporation through its concerned officer to take steps to inspect the premises No. 66, Biplabi Rash Behari Bose Road, Kolkata-700 001 and to cause an enquiry whether any unauthorized construction has been made.

The men and agent of the Kolkata Municipal Corporation shall conduct an inspection of the premises in question upon notice to the petitioner and all other necessary parties at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order. The report of the inspection shall be communicated to the petitioner and to all other necessary parties immediately thereafter.

In the event any unauthorized construction is detected, then necessary steps shall be taken by the Kolkata Municipal Corporation to deal with such unauthorized construction, in accordance with law.”

Mr. Quasimuddin, learned Advocate appearing on behalf of the respondent no.9 submits that the respondent no.9 does not take any responsibility with regard to the alleged construction and the petitioner has unnecessarily dragged the respondent no.9 into this proceeding.

Having heard the learned advocates for the respective parties, the writ petition is disposed of with a direction upon the Corporation to comply with the order of this Court passed in WPO/161/2021 dated April 13, 2021 within twelve weeks from date. It is expected that the

Corporation will appoint a more responsible officer for compliance of the order of this Court.

The report dated November 3, 2021 is of no consequence as the inspection shall be held as directed by this Court earlier once again and thereafter a hearing shall be given to all concerned upon notice to all and the proceedings shall be reached to its logical conclusion within the aforesaid period.

(SHAMPA SARKAR, J)

snn.