

S/L 10
07.02.2022
Court. No. 19
GB

W.P.A. 835 of 2022

Smt. Nibedita Saha
VS
The Kolkata Municipal Corporation & Ors.

*Mr. Debabrata Saha Roy,
Mr. S. Bhattacharjee,
Mr. Tanmoy Kumar Dey.*

...for the Petitioner.

*Mr. Partha Sarathi Bhattacharya,
Mr. Sounak Bhattacharya,
Mr. Sounak Mondal.*

...for the Respondent No. 6.

*Mr. Debjit Mukherjee,
Ms. Manisha Nath.*

...for the K.M.C.

Affidavit-of-service filed in Court today be kept with the record.

The petitioner is a tenant in respect of Premises No.26, Buddhu Ostagar Lane, Raja Ram Mohan Roy Sarani, Kolkata-700009. The petitioner submits that the developer, who is the respondent no.6 has been continuing the construction work in violation of the stop work notice dated January 11, 2022 issued by the Executive Engineer (Civil), Building Department, Borough – IV and V, Kolkata Municipal Corporation.

It is the contention of the petitioner that the said construction has been going on speedily and unless the Corporation is directed to take immediate steps for implementation of its own stop work notice, the alleged unauthorized construction would be completed in no time.

Denying such allegation, Mr. Bhattacharya, learned advocate appearing on behalf of the respondent no.6 submits that the developer is abiding by the stop work notice issued by the Corporation.

Mr. Mukherjee, learned advocate appearing on behalf of the Corporation submits that the tenants had raised a question with regard to the purported 'No Objection' deposited by the developer with regard to the tenant's consent in the construction of the new building in place of the old and dilapidated one. The Corporation has passed an order stating that the Corporation was not the authority to decide whether the 'No Objection' was forged or procured in some illegal manner. However, the Corporation has issued a stop work notice. The Corporation has also intimated the same to the police authorities. It is submitted that the Corporation shall maintain strict vigil and the police authority may also be directed to maintain strict vigil and ensure that no construction takes place.

Having heard the rival contentions of the parties and in view of the fair submission made by Mr. Mukherjee, no further order needs to be passed. The Corporation shall only take steps to ensure that the stop work notice is obeyed by the respondent no.6, unless the same is modified or set aside or stayed by an order of court. Police authority shall render all cooperation to the Corporation.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)