

Sl. No.19
20.09.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 3532 of 2022

Amardeep Kumar
Versus
The State of West Bengal & Ors.

Mr. Subhabrata Basu
... for the Petitioner

Mr. Fazlul Haque
Ms. Manisha Nath
... for the Kolkata Municipal Corporation

Mr. Subhendu Roychoudhury
... for the private respondent

The matter relates to premises No.1/16, Ramkantapur, Ward No.142, Borough-XVI, Kolkata under the jurisdiction of the Kolkata Municipal Corporation.

According to the petitioner, a construction has been made in the aforesaid premises without obtaining any sanction plan from the Kolkata Municipal Corporation.

The petitioner relies upon an information provided by the Executive Engineer (Civil)/Borough-XIV on 1st October, 2021 that as per available office record no building plan was sanctioned in respect of the aforesaid premises.

Learned advocate representing the Kolkata Municipal Corporation has produced a report before

this Court signed by the Assistant Engineer (Civil)/Building and the Executive Engineer (Civil) /Building dated 15th September, 2022 wherein it has been mentioned that stop work notice under Section 401 of the Kolkata Municipal Corporation Act has already been issued and an intimation given to the Haridevpur Police Station. A demolition sketch along with infringement statement has been prepared and proceeding under Section 400(1) of the Kolkata Municipal Corporation Act is under process.

Learned advocate representing the private respondent denies the allegation of the petitioner.

As it appears that the Kolkata Municipal Corporation has already taken steps in response to the complaint lodged, accordingly, the Corporation is directed to conclude the proceeding strictly in accordance with law, at the earliest, but positively within a period of four months from the date of communication of this order.

The action taken in the matter shall be intimated to the parties.

The report filed by the Kolkata Municipal Corporation be retained with the records.

Writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)