

Item No. 11

07.06.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 6251 of 2022
Cygnus Developers (India) Private Limited
v.
Kolkata Municipal Corporation & Ors.

Mr. Deep Basu
Mr. Subhankar Chakraborty
Mr. Saptarshi Bhattacharjee
Ms. Ruchira Manna
... for the petitioner.

Mr. Naba Kumar Das
Mr. Subhabrata Das
... for the State respondents.

Mr. Raghunath Chakraborty
Mr. Pradeep Pandey
... for the respondent nos. 5 & 6.

Mr. Ranajit Chatterjee
Ms. Susmita Chatterjee
... for the Kolkata Municipal Corporation.

The petitioner submits that in compliance of the direction passed by the Court on September 30, 2021 in WPA No. 13779 of 2021 the Hearing Officer conducted a hearing on April 18, 2022 to decide the allegation of illegal and unauthorized construction made by the private respondents over the Plot No. 390, VIP Nagar, Ward No. 108 under the jurisdiction of the Kolkata Municipal Corporation.

The allegation of the petitioner is that, even though, the hearing was concluded on April 18, 2022 no

final order has been passed in the matter till date. The further allegation of the petitioner is that the private respondents are going with the construction despite the stop work notice issued by the Corporation.

Learned advocate representing the private respondents denies the allegation of making further construction. It has been submitted that immediately upon issuance of the stop work notice no further construction has been made in the said premises.

Learned advocate representing the Corporation admits that final order has not been passed as yet after the hearing was concluded.

Learned advocate for the State respondents has obtained the instruction from the concerned police station which mentions that no further construction is being carried on at present.

Be that as it may, as it appears that hearing was conducted in compliance of an order passed by this Court, accordingly it is incumbent upon the Hearing Officer to conclude the proceeding and pass a reasoned order and communicate the same to the parties.

The instant writ petition is accordingly disposed of by directing the Director General (Civil – Building) of the Kolkata Municipal Corporation to ensure that the proceeding which has already been initiated is concluded strictly in accordance with law, at the earliest,

but positively within a period of eight weeks from the date of communication of a copy of this order.

The reasoned order shall be communicated to the parties immediately thereafter.

The writ petition stands disposed of.

The instruction given by the Officer-in-Charge, Anandapur Police Station and the affidavit-of-service filed in Court today are taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)