

Item No. 137 (ML)

18.07.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8138 of 2021
Ranjit Bandhu Saha & Anr.
v.
The State of West Bengal & Ors.

Mr. Subhas Jana
... for the petitioners.

Mr. Bibek Jyoti Basu
Mr. Uttam Kumar De
... for the State.

Mr. Gopal Chandra Das
Mr. Rudranil De
... for KMC.

None appears on behalf of the respondent no. 8
despite service.

Affidavit-of-service filed in Court today is taken on
record.

The matter relates to the Premises No. 842X,
Upendra Nath Banerjee Road, Ward No. 132, P.S.-
Parnasree, Kolkata-700 060.

The petitioners allege illegal and unauthorized
construction on the said premises at the instance of the
private respondent no. 8, who happens to be the
developer of the said property.

The petitioners filed representation before the
Executive Engineer (Civil) of the Kolkata Municipal

Corporation highlighting the unauthorized construction made thereon and allege that the same has not been taken up for consideration till date.

Learned advocate representing the Kolkata Municipal Corporation submits that proceedings under Section 400(1) of the Kolkata Municipal Act, 1980 has already been initiated against the persons responsible on February 22, 2020 but the learned advocate is not aware as to whether the said proceeding has been disposed of or not.

As it appears that the Kolkata Municipal Corporation has already initiated a proceeding to deal with the unauthorized construction being made over the said premises, accordingly, the Executive Engineer (Building), Borough No. XIV being the respondent no. 4 herein is directed to take prompt necessary steps to conclude the proceeding strictly in accordance with law, at the earliest, after giving reasonable opportunity of hearing to the petitioners as well as all other necessary parties positively within a period of four months from the date of communication of a copy of this order.

The aforesaid respondent shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The learned advocate for the petitioners submits that despite the stop work notice, construction is going on at the site in full swing.

The Officer-in-Charge, Parnasree Police Station is directed to ensure that no construction is made in the aforesaid premises till the proceeding which has been initiated by the Kolkata Municipal Corporation is concluded.

The writ petition stands disposed of.

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.)