

Item No. 5

14.12.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8463 of 2021
Sk. Abdul Karim

v.

The Kolkata Municipal Corporation & Ors.

Mr. Iqbal Hussain
... for the petitioner.

Mr. Alok Kumar Ghosh
Ms. Sima Chakraborty
Mr. Subhrangshu Panda
... for KMC.

Mr. Suddhadeb Adak
... for the State.

Mr. Sardar Amjad Ali
Mr. Subir Subud
... for the respondent no. 11.

The Director General (Building), Kolkata Municipal Corporation has forwarded a writing before this Court signed on December 13, 2022 mentioning that the site was visited by the officers of the Building department, Environment & Heritage Department and B.L. & L.R.O.

It was found that the alleged premises consists of a four storied building constructed nearly 7 to 8 years back. No sanctioned plan has been found from the official records with reference to the said construction. The department issued show cause notice under the Kolkata Municipal Corporation Act, 1980, the Town and Country Planning Act and Inland Fisheries Act to the person responsible for filling up of water body in an unauthorized manner.

The report of the B.L. & L.R.O. mention that premises being R.S. Dag No. 55 is recorded as tank but there is no existence of tank at present.

As the communication reveals certain unauthorized construction, accordingly, the present writ petition is disposed of by directing the Municipal Commissioner to take appropriate steps to deal with such unauthorized construction in accordance with law after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order and communicate the same to the parties.

The aforesaid exercise shall be completed positively within a period of three months from the date of communication of a copy of this order.

The writing forwarded by the Director General (Building), KMC signed on December 13, 2022 is retained with the records.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)