

18.01.2022
Court No. 19
Item no.06
CP

WPA 8507 of 2021

Julekha Begum
Vs.
The Kolkata Municipal Corporation & ors.

Md. Sarwar Jahan
.....for the petitioner.

Mr. Gududas Mitra
Ms. T. Dasgupta
.....for the K.M.C.

Mr. Joyjit Roy Choudhury
.....for the respondents 9 to 11.

The grievance of the petitioner is that the respondent nos. 9, 10 and 11 have been constructing on the premises adjacent to the premises of the petitioner without any sanction plan and without any permission from the Kolkata Municipal Corporation. The premises of the petitioner is No. 34, Biren Roy Road, Kolkata – 700061. The adjacent premises, according to the Kolkata Municipal Corporation, is Premises No. 6, Ho Chi Minh Sarani.

The Kolkata Municipal Corporation has filed a report prepared by the Assistant Engineer, Borough No. XIII & XIV from which it appears that the building which is being constructed on Premises No. 6, Ho Chi Minh Sarani has been sanctioned vide

Building sanction No. 2016140121 dated August 17, 2016. It is further stated that the Kolkata Municipal Corporation on inspection found that the construction is being carried on as per the sanction plan. The report is taken on record.

The other allegation of the petitioner that while making such construction, the respondent nos. 9 to 11 have encroached into a portion of the property of the petitioner, cannot be gone into in this proceeding either by the court or by the Kolkata Municipal Corporation.

Thus, the remedy of the petitioner against such illegal encroachment, as alleged, would be before the civil court.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

Needless to mention, the respondent nos. 9 to 11 shall construct strictly in accordance with the sanction plan and the Kolkata Municipal Corporation shall also ensure that no unauthorized construction takes place in future.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)