

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 8903 of 2022

Md. Faisul Nizam
-versus-
The Kolkata Municipal Corporation & Ors.

Mr. Billadal Bhattacharyya,
Mr. Suryaneel Das,
Mr. Amrit Sinha
...for the petitioner

Mr. Srijan Nayak,
Mr. Dipankar Ghosh
...for the KMC

The matter relates to the construction being made in the premises No. 4Y, Rani Rashmoni Garden Road, Ward No. 34, Borough III under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner alleges illegal and unauthorized construction at the instance of the private respondents without obtaining a sanction plan.

The petitioner also alleges that the complaint lodged by him before the Kolkata Municipal Corporation has not been acted upon.

The learned Advocate representing the Kolkata Municipal Corporation submits, upon instruction that, after receiving the complaint against the aforesaid premises, the said premises was inspected. After inspection it revealed that a four storied R.C.C.

frame structure is being made thereon. The person(s) responsible for making construction could not produce any document in support of the staid structure on demand.

Accordingly, Corporation issued stop work notice on May 18, 2022 with intimation to the Beliaghata Police Station. Demolition proceeding under Section 400 (1) of the K.M.C. Act has also been initiated in this regard.

It appears from the instruction given by the Executive Engineer (C), Building Department, Borough III of the Kolkata Municipal Corporation, dated July 11, 2022 that steps have already been taken by the Corporation in response to the complaint made.

The competent authority of the Kolkata Municipal Corporation is accordingly directed to conclude the proceeding, which has already been initiated for demolition, strictly in accordance with law, after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order in the matter at the earliest, but positively within a period of four months from the date of communication of this order. The reasoned order to be communicated to the parties immediately thereafter.

The writ petition stands disposed of.

Instruction given by the Executive Engineer(C), Kolkata Municipal Corporation be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)