

16.11.2022

Item No.19

Crt.No.24

b.r.

W.P.A 9544 of 2022

Pallab Ghosh

-vs-

Kolkata Municipal Corporation & Ors.

Mr. Sumit Naskar

..... for the petitioner.

Mr. N.C. Behani

.....for the Kolkata Municipal Corporation.

The petitioner complains of illegal and unauthorised construction at the instance of the respondent nos.7 to 12.

The petitioner claims to have made objection against the unauthorised construction and alleges that none of the objections have been taken up for consideration till date.

None appears on behalf of the private respondents.

The objection filed by the petitioner before the Corporation is also not on record.

Learned advocate representing the Corporation has obtained instruction and a report has been filed before this Court signed by the Assistant Engineer (Civil) and Executive Engineer (Civil)/Building Department Br.VI on 14th June, 2022 which mentions that the site was inspected and unauthorised

construction was detected. Persons responsible constructed two and half additional floors over the sanctioned three storied building and also encroached upon the mandatory open spaces. A stop work notice was issued and intimation was given to the police station.

A request for round the clock police posting was made on 31st January, 2022. F.I.R. under Section 401A was lodged on 11th March, 2022. The demolition sketch along with infringement statement was prepared and placed before the authority. The case is under process under Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

As it appears from the instruction forwarded by the engineers of the Corporation that steps are being taken to deal with the unauthorised construction, accordingly, the present writ petitioner is disposed of by directing the respondent no.4 or his delegate to conclude the proceeding strictly in accordance with law, after giving a reasonable opportunity of hearing to the necessary parties, at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

As it appears that a request has already been made for round the clock police posting, as such, the Officer-in-Charge, Entally Police Station is directed to

keep strict vigil to ensure that no construction is made at the said premises till the matter is finally decided by the Kolkata Municipal Corporation.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)