

Item No. 36

21.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 10216 of 2022

Sri Rahul Gupta

v.

The Kolkata Municipal Corporation & Ors.

Mr. Tarak Nath Haldar

... for the petitioner.

Mr. Prithvijoy Das

... for the respondent nos. 7 to 11.

(Enrollment No.F/786/1052/2016)

Mr. Jahar Dutta

Mr. Bipin Ghosh

... for the State.

Ms. Sima Chakraborty

Ms. Sabnam De

... for KMC.

The petitioner complains of illegal and unauthorized construction at the instance of the respondent nos. 10 to 14 in the premises no. B/8C/H/15, Jogodyan Lane, Kolkata-700054, Ward No. 31, Borough-III under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner complains that the representation filed by him has not been considered by the respondent authorities.

The petitioner received information under the Right to Information Act that a four storied building was constructed illegally in the said premises without obtaining any sanction plan from the Kolkata Municipal Corporation.

It appears from the documents annexed to the writ petition that a notice under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 was issued to the persons responsible being the respondent nos. 10 to 14.

Learned advocate appearing for the Kolkata Municipal Corporation has filed the instruction received from the Executive Engineer (C), Building Department, Borough-III dated September 10, 2022 which mentions that the demolition proceeding was initiated under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 and the hearing was conducted on April 1, 2022. The persons responsible have been directed to demolish the entire unauthorized structure but the same is yet to be implemented. The Phoolbagan Police Station has been intimated and requested for round-o-clock police posting.

Learned advocate for the private respondents admits in Court that the entire construction has been made without obtaining any sanction plan from the Kolkata Municipal Corporation.

As the order of demolition has already been passed in respect of the unauthorized structure, accordingly, the Kolkata Municipal Corporation is directed to take steps for implementation of the order of demolition in accordance with law.

The men and agents of the Kolkata Municipal Corporation shall ensure that the demolition is carried out at the earliest.

The writ petition stands disposed of.

The Officer-in-Charge, Phoolbagan Police Station is directed to render all necessary assistance to the men and agents of the Kolkata Municipal Corporation at the time of implementation of the demolition order, as sought for.

The Officer-in-Charge shall also keep strict vigil over the area and ensure that no construction is carried out at the said premises.

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

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.)