

Item No. 3

07.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13041 of 2021

Mutwalli Committee, Sahibjan Bibi & Mati Bibi Waqf
Estate @ Gobra Mosque Waqf Estate
v.
The Kolkata Municipal Corporation & Ors.

Mr. Javed K. Sanwarwala
Ms. Farah Anjum
... for the petitioner.

Mr. Himadri Sikhar Chakraborty
Ms. Debdooti Dutta
... for the State respondents.

Mr. Mohinoor Rahaman
Ms. Maria Rahaman
Ms. Iqra Rahaman
... for respondent nos. 11 to 13.

Sk. Md. Galib
Ms. Tanwishree Mukherjee
... for the respondent no. 10.

Mr. Alok Kumar Ghosh
Ms. T. Dasgupta
... for KMC.

Pursuant to the order passed by the Court an inspection has been conducted by the Kolkata Municipal Corporation and the report has been placed before this Court.

It appears from the said report that a single storied Raniganj tile shed old structure and a single storied RCC structure along with RCC columns have been found in the Premises No. 10 & 10/1, Raicharan

Pal Lane, Ward No. 59, Borough-VII and the aforesaid construction has been made without any sanctioned plan.

The department has initiated demolition proceeding for the unauthorized single storied RCC structure and hearing was taken before the Special Officer (Building) on August 31, 2022. The same is still under process.

The report further mentions that the Premises No. B/10/H/4, Raicharan Pal Lane has been separated from 10, Raicharan Pal Lane as per oldest record (2nd quarter/1966-67) in the Assessment Collection Department.

As it appears that the Kolkata Municipal Corporation has already initiated demolition proceeding accordingly, the respondent authority is directed to conclude the said proceeding in accordance with law, at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order. The fate of the demolition proceeding shall be communicated to all the parties immediately thereafter.

As it appears from the report that a demolition proceeding is already in progress accordingly, the person responsible are restrained from carrying any further construction over the aforesaid property till the demolition proceeding is disposed of by the Corporation.

The Officer-in-Charge, Topsia is directed to ensure that no construction is carried out at the said premises without obtaining proper sanctioned plan from the Corporation.

Report filed by the Sub-Assistant Engineer (C) and Executive Engineer(C)/ Building/ Branch-VII dated September 6, 2022 be retained with the records.

The writ petition stands disposed of.

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.)