

Item No. 40

27.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 12140 of 2022
Manoj Halder

v.
Kolkata Municipal Corporation & Ors.

Mr. Dilip Kumar De
Mr. Arunava Pati
M. S.C. Dhara
... for the petitioner.

Mr. Ranajit Chatterjee
Ms. Suranjana De Sarkar
... for KMC.

The petitioner alleges illegal and unauthorized construction at the Premises No. 1130, Mahatma Gandhi Road, Ward No. 124, Borough-XVI, Joka under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner complains that the objection filed against such unauthorized construction has not been taken into consideration till date.

Learned advocate representing the Kolkata Municipal Corporation submits that the department inspected the premises on July 5, 2022 and found three storied structure constructed in deviation from the sanctioned plan. A stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 has been issued and the Haridevpur Police Station has been intimated. The departmental proceeding regarding preparation of the demolition case under Section 400 of the Kolkata Municipal Corporation Act is under process.

None appears on behalf of the respondent no.9 despite service.

As it appears from the submission of the learned advocate representing the Kolkata Municipal Corporation that on inspection deviation has been detected and proceeding is under process under Section 400 of the Kolkata Municipal Corporation Act, 1980, accordingly the Executive Engineer of the concerned borough is directed to take steps in accordance with law to deal with the unauthorized construction within a period of twelve weeks from the date of communication of this order.

An opportunity of hearing shall be given to both the parties prior to passing a final order in the matter. Reasoned order shall be passed and communicated to the parties.

The writ petition stands disposed of.

Instruction given by the Kolkata Municipal Corporation be retained with the records.

Supplementary affidavit filed in Court today is taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities

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(Amrita Sinha, J.)