

14-12-2022
Item No.52
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.15139 of 2022
Arshad Jamal & Anr.

-vs-

Kolkata Municipal Corporation & Ors.

Mr. Surendra Kumar Sharma ...for the petitioners

Mr. Gausal Alam
Md. Yusuf Ali ...for the State

Learned advocate representing the petitioners submits that the Kolkata Municipal Corporation did not take any steps to deal with the unauthorised constructions made at the instance of the private respondents.

In the earlier writ petition being WPA No.11439 of 2021 filed by the writ petitioners, the Court was made aware by the learned advocate representing the Corporation that stop-work notice had already been issued and assurance was given that necessary steps would be taken to deal with any unauthorised construction made at the subject premises.

The petitioners complain that after issuance of the stop-work notice, no further steps have been taken by the Corporation.

None represents either the Corporation or the private respondents. Affidavit of service filed is taken on record.

It appears from the order dated August 4, 2021 passed in WPA No.11439 of 2021 that stop-work notice had been issued. It was the incumbent duty of the

respondent authority to take appropriate steps to deal with any unauthorised construction made at the subject premises. The Corporation became inactive after issuance of the stop-work notice. Order is to be passed by this Court to awaken the Corporation from their deep slumber.

In view of the above, the fourth respondent being the Executive Engineer (Civil), Borough-III, Kolkata Municipal Corporation is directed to take appropriate steps in accordance with law, to deal with any unauthorised construction at the subject premises, after giving reasonable opportunity of hearing to all the necessary parties and pass a reasoned order that shall be communicated to the parties soon thereafter.

The fourth respondent shall complete the entire proceeding positively within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioners is directed to forward a copy of the order dated August 4, 2021 passed by this Court in WPA No.11439 of 2021 to the fourth respondent at the time of communicating this order.

With the above, the writ petition is disposed of. No order as to costs.

Certified copy of this order, if applied for, shall be given to the parties on compliance of all legal formalities.

[Amrita Sinha, J]

