

Item No. 47

28.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 15856 of 2022

Sri Partha Pratim Karan
v.
State of West Bengal & Ors.

Mr. Asim Hati
Ms. Ankita Dey
Ms. Nandini Sharma
... for the petitioner.

Mr. Gopal Chandra Das
Mr. Subrata Sikdar
... for KMC.

Mr. Susanta Pal
Mr. Prabir Roy
... for the State.

The petitioner complains of illegal and unauthorized construction at the instance of the private respondent in the Premises No. 215A, Bhupen Roy Road, Ward No. 120, Borough-XIII under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner complains that the respondent authorities are not taking into consideration the objection filed by the petitioner against such unauthorized construction.

None appears on behalf of the private respondent despite service.

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

The learned advocate representing the Kolkata Municipal Corporation has produced a report before this Court signed by the Assistant Engineer and the Executive Engineer(C), Boroughs XIII & XIV on September 24, 2022 wherein it has been mentioned that the department inspected the premises on July 5, 2022 and observed that there is an old existing two storied structure which has been regularized in February 2005 excepting a small portion. The department has initiated demolition proceeding under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 against the small portion which has not been regularized.

As it appears that unauthorized construction has been detected, accordingly, the concerned Executive Engineer is directed to take prompt necessary steps to deal with such unauthorized construction in accordance with law after giving reasonable opportunity of hearing to the petitioner as well as the private respondent and pass a reasoned order and communicate the same to the parties.

A decision shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

Report filed by the Kolkata Municipal Corporation be retained with the records.

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.)