

4.1.2022
Sl. No.25
sn

W.P.A. No. 17307 of 2021

Zahid Mahmood

Vs.

The Commissioer of K.M.C & Ors.

Md. Nauroz Tahber ...for the Petitioner.

Mr. Arijit De
Mr. J.K. Dhar ...for the KMC

Mr. Santanu Kumar Mitra
Mr. Subhabrata Das ..for the State

Let the affidavit of service be taken on record.

The petitioner is a president of a registered society.

The petitioner had approached the Kolkata Municipal Corporation alleging series of unauthorised constructions on certain plots situated within the Narkeldanga police Station. The details of the premises are as follows:-

A. 3/5F, Maulana Abul Kalam Azad Sarani, and also known as 3/47, Narkeldanga Main Road, Kolkata 700 011.

B. B/43/H/7, Canel East Road, Kolkata 700 011.

C. 3D/H/8, Dr. M.N. Chatterjee Sarani, Kolkata 700 009.

D. 7/H/2, Narkeldanga Main Road, Kolkata 700 011.

E. B 43/5 Narkeldanga Main Road, Kolkata 700 011.

F. 44/1, Canel East Road, Kolkata 700 011.

G. 42/1, Canel East Road, Kolkata 700 011.

According to the petitioner, the Corporation authorities have not taken any steps, although the

alleged illegal constructions were brought to the notice of the Corporation by the petitioner.

Mr. De, learned advocate for the Corporation submits that the persons responsible have not been impleaded in this proceeding although they are necessary parties. Mr. De, further submits that with regard to the construction of the premises mentioned under serial A to F above, the stop work notices have been issued by the Corporation and the Corporation has decided to initiate proceedings under Section 400(1) of the Kolkata Municipal Corporation Act, 1980. With regard to the premises mentioned at 'G', such premises could not be physically found by the petitioner. As the Corporation had already issued stop work notices and has decided to proceed under the provisions of the statute, nothing remains to be decided in this writ petition.

The writ petition is accordingly disposed of with the following directions:-

- a) The Corporation shall initiate separate proceedings in respect of the premises against serial A to F above.
- b) An inspection of each of the premises shall be made upon notice to the petitioner as also to the person responsible for, or connected with the construction.
- c) A report of the inspection and a sketch map shall be prepared and handed over to all the parties.

d) A hearing shall be given to the persons responsible as also the petitioner. The parties must also be allowed to furnish their written version and make oral submissions as also adduce evidence in support of their contentions. A reasoned order shall be passed and communicated to the parties. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to its logical conclusion in terms of the statute.

The entire exercise shall be completed within a period of six months from the date of communication of this order.

This Court has not gone into the merits of the claims and counter-claims of the parties.

This writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)