

01.03.2022
Sl. No.32
srm

W.P.A. No. 17510 of 2021

Imtiazul Haque

Vs.

The Kolkata Municipal Corporation & Ors.

Mr. Saurav Chaudhuri

...for the Petitioner.

Mr. Arijit Sarkar

...for the Respondent No.6.

Mr. Gurudas Mitra,

Ms. Manisha Nath

...for the Kolkata Municipal Corporation.

Mr. Kamalendu Ghosh,

Mr. Raja Ghosh

...for the State-respondents.

Affidavit of service is taken on record.

The writ petition has been filed alleging unauthorised construction and consequent failure of the Kolkata Municipal Corporation to take steps against such construction. The alleged unauthorised construction is being carried on by the respondent Nos.6 to 11 on Premises No.1H/A, Ibrahim Road, previously known as 1E/H/6, Ibrahim Road, Police Station-Ekbalpore, Kolkata-700023 under Kolkata Municipal Corporation, Ward No.77, Borough-IX. It is the contention of the petitioner that more than four storeys have been constructed without a sanction plan.

The learned Advocate for the respondent No.6 submits that the constructions, which had been earlier made without proper permission, have already been demolished by the Corporation and since such demolition, no further constructions have been raised.

Mr. Mitra, learned Advocate appearing on behalf of the Kolkata Municipal Corporation, submits, on instructions, that a preliminary inspection was made by the Corporation and some unauthorised constructions had been detected. Accordingly, a stop work notice was issued and the police authorities were also informed about the said unauthorised construction.

As the Corporation is the authority to prevent the unauthorised construction, the writ petition is disposed of with a direction upon the competent authority of the Kolkata Municipal Corporation to act and proceed in accordance with law and dispose of the issue by adhering to the following procedures:

- (a) The competent authority of the Kolkata Municipal Corporation shall cause an inspection of the premises in question in the presence of the interested parties including the petitioner and the respondent Nos.6 to 11 in order to ascertain whether there has been any unauthorised construction and also to ascertain the

extent and nature of the unauthorised constriction, if any,
within three weeks from date.

- (b) A copy of the inspection report shall be handed over to
the respective parties.
- (c) The petitioner as also the respondent Nos.6 to 11 shall be
given a hearing.
- (d) The interested persons shall be allowed to file their
written versions and adduce oral and documentary
evidence in support of their respective claims at the time
of hearing.
- (e) A reasoned order shall be passed and communicated to
all concerned.
- (f) Needless to mention, the entire proceedings, so initiated,
shall be reached to its logical conclusion.
- (g) If the construction is continuing, then interim measures
shall be taken.

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

This Court has not gone into the merits of the claims
and counterclaims of the parties and all points will be
decided by the Kolkata Municipal Corporation.

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.)