

S/L 22
04.05.2022
Court. No. 19
GB

WPA 19793 of 2021

Smt. Kaberi Nandy
VS
The Kolkata Municipal Corporation & Ors.

Mrs. Runu Chowdhuri.

...for the Petitioner.

*Mr. Gopal Chandra Das,
Mr. Rudranil De.*

...for the K.M.C.

The petitioner prays that the Kolkata Municipal Corporation be directed to renew the existing building plan no.17/Br. V-2009-10 dated October 22, 2009. According to the petitioner, while the building was in the process of construction, proceeding under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 had been initiated. Thus, during the subsistence of the proceeding, the building could not be completed and the validity of the plan lapsed due to efflux of time. Now, the petitioner prays for a renewal of the building plan, so that the petitioner is able to complete the house.

Mr. Das, learned advocate appearing on behalf of the Kolkata Municipal Corporation submits that the deviation and the unauthorized portions, which were detected during the construction by the petitioner has been regularized and nothing remains further to be done in respect of the said plan in question. According to Mr. Das, learned advocate, the regularization would suffice and no further renewal would be necessary.

The petitioner submits that the regularization of the unauthorized portions would not grant complete relief to the petitioner as part of the construction is still incomplete and, hence, prayer has been made for renewal of the sanction plan.

Without going into the merits of the claims and counter-claims of the parties, and as the report of the Corporation indicates that the matter can be resolved if the petitioner approaches the Assistant Engineer with all documents, the writ petition is disposed of with a direction upon the Executive Engineer (Civil), Building Department, Borough-IV and V to treat the writ petition as a representation and dispose of the same in accordance with law upon hearing the petitioner. A reasoned order shall be passed and communicated to the petitioner. The entire exercise shall be completed within a period of two months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)