

Item No. 25

26.09.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20294 of 2021
Ashish Seal

v.
Kolkata Municipal Corporation & Ors.

Mr. Tapas Kukherjee
Mr. Jayita Roy
... for the petitioner.

Mr. Jahar Lal De
Mr. Supratim Dhar
... for the State.

The petitioner submits that the Kolkata Municipal Corporation has conducted a joint site inspection at the Premises No. 237K, Maniktala Main Road, now Satin Sen Sarani, Kolkata- 700054, Ward No. 29, Borough-III under the jurisdiction of the Kolkata Municipal Corporation.

At the time of inspection it was revealed that there is a two storied RCC frame structure which is unauthorized and constructed without any sanction plan. Stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 has been issued.

The petitioner complains that despite the stop work notice the person responsible continued with the unauthorized construction and the construction is nearly complete. Prayer has been made for a direction upon the respondent authorities to demolish the unauthorized construction.

Learned advocate representing the private respondent submits that his client was absent on the date of the site inspection.

None appears on behalf of the Kolkata Municipal Corporation. The Court is not aware as to whether the proceeding initiated by the Corporation to deal with the unauthorized construction has been concluded or not.

In view of the above, the instant writ petition is disposed of by directing the Executive Engineer, Borough-III, Kolkata Municipal Corporation being the respondent no. 4 herein to conclude the proceeding initiated to deal with the unauthorized construction in accordance with the law after giving reasonable opportunity of hearing to the petitioner and the person responsible and to pass a final order 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. If required, fresh site inspection may be conducted after giving prior notice to both the parties.

The reasoned order shall be communicated to the parties immediately thereafter.

The Officer-in-Charge, Narkeldanga Police Station is directed to keep strict vigil over the property to ensure that no construction is being made thereon till the matter is finally decided by the Kolkata Municipal Corporation.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)