

Item No. 12

04.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 21308 of 2021
Md. Qayamuddin

v.

Kolkata Municipal Corporation & Ors.

Mr. Taimur Hossain

Mr. Ziaul Haque

... for the petitioner.

Mr. Gopal Chandra Das

Mr. Rudranil De

... for KMC.

Mr. Abdul Hamid Molla

Mr. J.K. Chowrasia

Mr. Sk. Safir

Md. Abdul Halim

... for the respondent nos. 8,9, 10 & 11.

The petitioner alleges illegal and unauthorized construction by the private respondents in the premises no. B/13/H/49, Mayur Bhanj Road, P.S.-Ekbalpur, Kolkata-23, Ward No. 78, Br-9.

According to the petitioner, the construction is being made without a proper sanctioned plan.

The report filed by the Assistant Engineer(C) Building Department, Borough No. 9, Kolkata Municipal Corporation mentions that a three storied building plan was sanctioned vide building permit No. T202109004 dated October 8, 2021.

During inspection it was revealed that construction has been made in deviation of the sanctioned plan. The department has already issued a stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 and intimated the Ekbalpur Police Station.

Learned advocate representing the private respondents submits, upon instruction that, construction is being made in accordance with the sanctioned plan by the Kolkata Municipal Corporation. As regards the deviation an application for regularization has been made before the Kolkata Municipal Corporation.

As it appears from the report submitted by the Kolkata Municipal Corporation that the department has taken steps to deal with the deviation made during the time of making construction, accordingly, the writ petition is disposed of by directing the respondent no. 4 being the Executive Engineer (Building), Borough-IX to take prompt necessary steps to deal with such deviation made during construction strictly in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The issue raised by the petitioner with regard to the ownership of the property in question is not decided in the present writ petition.

The petitioner will be at liberty to approach the appropriate forum for adjudication of the issue of ownership in accordance with law, if so advised.

Report filed by the Assistant Engineer(C), Building Department, Br-IX, KMC dated June 13, 2022 be retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties on compliance of usual legal formalities.

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(Amrita Sinha, J.)