

Item No. 56

20.12.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20798 of 2022
Gopa Pinity
v.
The State of West Bengal & Ors.

Mr. Shahan Shah
Mr. Sk. Abumusha
... for the petitioner.

Mr. Manoj Malhotra
Mr. Suman Dey
... for the State.

Mr. Sudip Kumar
Mr. Sayan Dev Kumar
... for the respondent no. 7.

Mr. Barin Banerjee
Ms. Sima Chakraborty
... for KMC.

The petitioner complains of illegal and unauthorized construction at the instance of her brother, the respondent no. 7, at 612/2, Bacchar Para Road, Ward No. 125, Borough-XVI within the jurisdiction of the Kolkata Municipal Corporation.

The petitioner complains that the representation filed objecting to such construction has not been taken up for consideration till date.

Learned advocate representing the private respondent denies the allegation of the petitioner. It has been submitted that the construction in question was

made long ago and no new construction has been made at present.

Learned advocate representing the Kolkata Municipal Corporation has filed a report before this Court signed by the Assistant Engineer (C), Executive Engineer (Building), Borough-XVI, Joka on December 14, 2022 mentioning that departmental inspection revealed that a three storied building had been constructed at the subject premises in deviation of the sanctioned plan. The department issued the stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 on December 12, 2022 with intimation to the Haridevpur Police Station. Further proceeding under Section 400 of the Kolkata Municipal Corporation Act, 1980 is under process.

The report filed by the Corporation reveals unauthorized construction at the subject premises.

In view of the above, the Executive Engineer(C)/Bldg., Borough-XVI, Joka is directed to take steps to deal with such unauthorized construction in accordance with law after giving a reasonable opportunity of hearing to the necessary parties.

The aforesaid respondent shall ensure that the proceeding is concluded at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

A formal reasoned order shall be passed and communicated to the parties.

Report filed by the Corporation is retained with the records.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

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

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(Amrita Sinha, J.)