

17.
22-11-2022
debajyoti
(Ct. no.24)

WPA 22366 of 2022

**Sri Raj Kapoor Jaiswal
Vs.
Kolkata Municipal Corporation & Ors.**

Mr. Nilanjan Bhattacharjee,
Mr. Abhilash Chatterjee
... For the Petitioner.

Mr. Gopal Chandra Das,
Mr. Rudranil De
... For the K.M.C.

Mr. Biswajib Ghosh,
Mr. Sumitava Chakraborty
... For Respondent Nos.8 & 9.

The petitioner alleges illegal and unauthorized construction at the instance of the private respondents over municipal premises no.33-C, Old Ballygunge 1st Lane, Ward No.65, Borough-VII under the jurisdiction of Kolkata Municipal Corporation.

The petitioner complains that the representation filed before the authorities objecting to such unauthorized construction in November, 2021, has not been taken up for consideration till date.

Learned advocate representing the private respondents submits, upon instructions, that proceeding was duly initiated by the Kolkata Municipal Corporation in response to the complaint filed by the petitioner.

Learned advocate representing Kolkata Municipal Corporation has handed over a copy of an order dated 9th November, 2022 passed by the Special Officer (Building).

It appears therefrom that a demolition proceeding under Sections 400(1) and 416 of the Kolkata Municipal Corporation Act, 1980 was initiated by the Corporation. The Corporation heard the persons responsible for making unauthorized construction and passed order under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 directing the persons responsible to remove the sheds on the open spaces as marked in the D sketch within thirty days from the date of communication of the order.

The business (beauty parlour) was allowed to be retained on payment of necessary fees and charges under Sections 400(1) and 416 of the Kolkata Municipal Corporation Act, 1980 after completion of the removal of the shed on the open space.

The order of the Special Officer will be given effect subject to the approval of the Mayor-in-Council.

The Court has not been made aware as to whether or not the approval has been accorded by the Mayor-in-Council.

As it appears that the complaint of the petitioner has duly been addressed and necessary order has been passed by the Special Officer (Building), accordingly, the parties will be at liberty to take further steps in terms of the order passed by the Special Officer (Building), subject to the approval by the Mayor-in-Council.

No further order need be passed in the present writ petition. The writ petition stands disposed of.

The order dated 9th November, 2022 passed by the Special Officer (Building) be taken on record.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Amrita Sinha, J.)