

Item No. 16(DL)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

06.12.2022
Ct-24

WPA 26688 of 2022

Md. Aslam

v.

Kolkata Municipal Corporation & Ors.

Mr. Subhrangsu Panda
Mr. Tirthankar Mukherjee
Ms. Madhurima Sarkar
Ms. Sucheta Pal

... for the petitioner.

Mr. Bibek Jyoti Basu
Mr. Uttam Kumar De

... for the respondent no. 6.

Mr. Barin Banerjee
Mr. Mihir Kundu

... for KMC.

The petitioner has been found to be carrying on unauthorized construction at Premises No. 18/1/H/4, M.M.Ali Road, Ward -77, Br-IX of the Kolkata Municipal Corporation. A stop work notice was issued on April 18, 2022.

The petitioner complains that thereafter the Corporation did not take any steps to deal with the alleged unauthorized construction. On the contrary, the men and agents of the Kolkata Municipal Corporation have visited the spot for demolishing the unauthorized construction.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instruction, that the petitioner is responsible for making unauthorized construction at the subject premises without any

sanctioned plan. The premises in question is a thika property and notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was served with intimation to the Ekbalpur Police Station. A hearing was fixed on September 13, 2022 but the petitioner did not turn up on the said date. Date of hearing has again been fixed on December 14, 2022 at 3 p.m.

As it appears that the Executive Engineer(C) has already fixed a date of hearing on December 14, 2022 at 3 p.m., the petitioner is directed to remain present at the said hearing. The requirement of serving a fresh notice of hearing upon the petitioner stands dispensed with.

Learned advocate for the petitioner undertakes that his client will remain present in the hearing on the scheduled date and time.

The Executive Engineer is directed to proceed with the hearing on the said date and the proceeding shall be concluded positively within a period of twelve weeks thereafter. A reasoned order shall be passed and communicated to the parties.

The writ petition stands disposed of.

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.)