

12.
02.05.2022
S.D.

W.P.A. 10666 of 2020

Tamanna Parvin
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal

..For the petitioner.

Mr. Achintya Kumar Banerjee
Mr. Dwijadas Chakraborty
Mrs. Indu Mouli Banerjee

..For the KMC.

Notice served upon the Thika Controller has been returned to the petitioner with the endorsement "Not Known". The postal article is taken on record.

Despite the service on earlier occasion, none appears on behalf of the respondent no. 4. The KMC has already inspected premises nos. 15/H/13 and B/15/H/14, Bibi Bagan Lane, Calcutta – 700015 and has arrived at a conclusion that there exists unauthorized construction on both the premises.

As the grievance of the petitioner who is a tenant in respect of one such premises has been addressed by the KMC, nothing further remains to be decided in the writ petition save and except that the KMC, which has already taken steps for initiating proceeding under Section 400 (1) of the KMC Act, 1980 shall act

and proceed in accordance with the law and dispose of the grievances of the writ petitioner in the following manner:-

a) An inspection of both the premises shall be conducted. Such inspection shall be held in the presence of the petitioner and the respondent no. 4 and all other interested parties. Advance notices of the inspection shall be served upon the petitioner and the respondent no. 4. If the parties are not available to accept notice, the authorities shall affix the notices of hearing and inspection at conspicuous places in the respective premises.

b) In case, it is found on preliminary inspection that there may be reasons to believe that the constructions were without permission and were continuing, the authorities may take such interim measures by stopping such construction.

c) Reports of such inspection shall be prepared along with the sketch map, indicating the extent and nature of unauthorized construction, if any.

d) Such reports shall be handed over to the parties.

e) A hearing shall be given to the petitioner and the respondent no. 4. The parties must also be allowed to furnish their written objection/version to the said report and adduce oral and documentary evidence in support of

their contentions, before the competent authority. All documents relied upon by the respective parties shall be exchanged.

f) Reasoned orders shall be passed and communicated to the parties in respect of each of the premises. On the basis of what transpires at the hearing and during inspection, the proceedings shall be reached to their logical conclusion in terms of the statute.

The question of title and boundary dispute shall not be decided by the KMC.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

Reports as well as the postal articles are taken on record.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)