

WPO 971 of 2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

RAJESH VERMA
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 2nd March, 2022.

Appearance:
Mr. Raghunath Chakraborty, Adv.
...for the petitioner.

Mr. Alok Kumar Ghosh, Adv.
Mr. Swapan Kumar Debnath, Adv.
...for the KMC.

Ms. Anjusri Mukherjee, Adv.
...for the State respondent.

The Court: Despite service, none appears on behalf of the respondent nos.6 to 13.

The affidavit of service is taken on record.

The petitioner has alleged that the respondent nos.6 to 13 have made some constructions on a footpath maintained by the Kolkata Municipal Corporation. The petitioner has also alleged that the petitioner has been running a shop-room adjacent to the place where such stairs have been erected. Photographs have been annexed.

A complaint was lodged with the Municipal Commissioner, Kolkata Municipal Corporation being Annexure-‘p6’ at page 20 of the writ petition.

Having considered the rival contentions of the parties, this Court is of the opinion that the competent authority of the Kolkata Municipal Corporation shall dispose of the complaint by adhering to the following procedure:-

a) The Corporation shall cause an inspection of the premises in question upon notice to the petitioner and the respondents nos. 6 to 13.

b] Upon holding the inspection, the Corporation authorities shall prepare an inspection report with the sketch map indicating the nature and extent of the unauthorized construction. Copies of the inspection report and sketch map shall be handed over to the parties.

c] Parties will be entitled to file their written objection/written version to the said report and also adduce oral and documentary evidence in support of their contentions.

d] A reasoned order shall be passed and communicated to all upon giving an opportunity of hearing to all.

e] Thereafter the Corporation will proceed to deal with the alleged construction as per law.

The prayer of the petitioner for a direction upon the Corporation to remove the stair-case and the alleged encroachment on the footpath etc., cannot be granted at this stage unless the Corporation comes to a specific finding that the said constructions have been made contrary to the provisions of law upon holding an inspection and a hearing as directed hereinabove.

The writ petition is disposed of.

There will be, however, no order as to costs.

All parties are act on the basis of the server copy of this order.

(SHAMPA SARKAR, J.)