

OD-3

ORDER SHEET

WPO/1140/2022

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SAKUNTALA GUPTA AND ORS.
Versus
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 8th March, 2022.

[Via Video Conference]

Appearance:
Mr. Debdipto Banerjee, Adv.
Mr. Soumen Banerjee, Adv.
For the petitioners.

Mr. Sayan Sinha, Adv.
Mr. Mainak Swarnokar, Adv.
Mr. Biyas Ghosasl, Adv.
For the respondent nos. 13 to 15.

Mr. Rudranil De, Adv.
Ms. Tanushree Dasgupta, Adv.
For the K.M.C.

Ms. Sucharita Roy, Adv.
For the State Respondents.

The Court :- The allegations in the writ petition are that the respondent nos. 13 to 15 have been constructing unauthorizedly on premises No. 10/1F Serpentine Lane, Kolkata-700 012.

It is submitted by the petitioners that the construction is not only in violation of the rules, but has also caused substantial damage to the

boundary wall in the premises of the petitioners. Accordingly, a complaint was lodged with the Corporation on February 15, 2022. It is also submitted that pursuant to the said complaint, the petitioners were called by the Executive Engineer, Borough-V of the Kolkata Municipal Corporation to meet the said authority today, i.e., on March 8, 2022.

Mr. Sinha submits on behalf of the respondent nos. 13 to 15 that minor repairing works were carried out as the building was an old one and had sustained some damage during the cyclone.

Mr. De, learned Advocate appearing for the Corporation, submits that a stop work notice had already been issued to the respondent nos. 13 to 15 and steps are being taken with regard to further proceedings.

As the Corporation has already been taken cognizance of the complaint of the petitioners, nothing further remains to be decided in the writ petition.

The competent authority of the Kolkata Municipal Corporation is directed to initiate appropriate proceeding and conclude the same, in accordance with law upon giving an opportunity of hearing to all the parties.

An inspection of the premises shall be held upon notice to all the parties including the respondent nos. 13 to 15. The notice shall be sent to the addresses mentioned in the writ petition and also affixed at conspicuous places on the premises. This shall be treated as 'good service'. The report of the inspection shall be supplied to the parties. The parties shall be allowed to respond to such report. A hearing shall be

held. Parties shall be permitted to file their written statements and adduce oral documentary evidence. A reasoned order shall be passed and communicated to all the parties. On the basis of the final decision that shall be taken by the Corporation, steps shall be taken in accordance with law.

This Court has not gone into the merits of the claims and counter claims of the parties.

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

The writ petition is, thus, disposed of.

(SHAMPA SARKAR, J)

snn.