

OD – 3

ORDER SHEET
WPO/2008/2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ABHISHEK MISHRA
VS
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date : 6TH June, 2022.

Appearance :
Mr. Sujit Banerjee, Adv.
Mr. Nilay Sengupta, Adv.
...For the Petitioner

Mr. Dwijadas Chakraborty, Adv.
...For the K.M.C.

Mr. S. R. Saha, Adv.
...For the Respondent Nos.6a, 6b, 6c.

The Court : The petitioner alleges illegal and unauthorised construction by the private respondents. Learned Advocate representing the Kolkata Municipal Corporation has produced report before this Court signed by the Sub Assistant Engineer (Civil), Assistant Engineer (Civil) and Executive Engineer (Civil) dated 11th May, 2022. The said report mentions that :

“The Kolkata Municipal Corporation (Building Department) issued a B.S plan vide B.P No-2015040024 dtd-26.02.2016 u/r-142 of KMC building rule 2009 read with u/s-393 of KMC Act, 1980 for a B+G+V storied residential building. Subsequently regularized u/rule 26(2a&2b) of KMC building

rule 2009 on approval of D.G (B) on 16.12.2017 vide Sl.No-35/Br-IV/2017-18 dtd-27.12.2017.

After receiving a telephonic complaint, inspected the site and found some deviations from B.S plan hence, building department served stop work notice u/Sec.401 of the K.M.C Act, 1980 on 27.01.2022 along with the police intimation slip sent to local police station (Posta P.S) on 27.01.2022.

At present all works are lying suspended.”

A copy of the report has been handed over to the learned Advocate representing the petitioner as well as the learned advocate representing the private respondents in Court today.

From the statement of the report it appears that the Kolkata Municipal Corporation has already taken steps in response to the complaint filed by the petitioner.

Accordingly, no further order is required to be passed in the writ petition. The Kolkata Municipal Corporation is directed to take prompt necessary steps in the matter, in accordance with law.

The writ petition stands disposed of.

The report dated 11th May, 2022 by the Kolkata Municipal Corporation be retained with the records.

Affidavit of service filed in Court be taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of usual legal formalities.

(AMRITA SINHA, J.)