

ORDER SHEET

WPO 2167 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

GOURI DEVI TRUST
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 29th June, 2022

Mr. Srijib Chakraborty, Mr. Ashis Kr. Mukherjee, Mr.
Saurabh Prasad, Advocates for the petitioner.

Mr. Gopal Chandra Das, Mr. Debangshu Mandal, Advocates for K.M.C.

Mr. Suvadip Bhattacharya, Mr. Balaram Patra, Advocates for respondent nos.6, 7 and 8.

Mr. Debjit Mukherjee, Ms. Susmita Chatterjee, Advocates for the State.

The Court: In terms of the direction passed by this Court on 16th June, 2022, the Kolkata Municipal Corporation has filed a report before this Court. It appears from the report dated 28th June, 2022 signed by the Sub Assistant Engineer (Civil), Assistant Engineer (Civil) and the Executive Engineer (Civil)/Building/Borough-IV & V that the department inspected the premises in question and found that the person responsible has constructed a brick built structure in the ground floor without any building sanction plan. The department has served a stop-work notice upon the person responsible directing not to proceed any further with the construction work. The Bowbazar Police Station has also been intimated about the matter. The Corporation has taken action under Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

As it appears from the instruction given by the Kolkata Municipal Corporation that there is indeed unauthorised construction in the premises no. 99, Chittaranjan Avenue, Kolkata and the Corporation has taken steps under Section 400(1) of the KMC Act, 1980, the Corporation is directed to conclude the proceeding initiated under Section 400(1) of the KMC Act, 1980 strictly in accordance with law, at the earliest, but positively within a period of four months from the date of communication of this order. The Corporation shall afford a reasonable opportunity of hearing to all the necessary parties prior to passing a final order in the matter.

The writ petition stands disposed of.

Instruction given by the Kolkata Municipal Corporation be retained with the records.

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

(AMRITA SINHA, J.)