

WPO No.594 of 2019
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

LAKHU DUBEY
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 27th June, 2022.

Appearance:
Mr. Raghunath Chakraborty, Adv.
Mr. Mahaboob Ahmed, Adv.
Md. Apzal Ansari, Adv.
..for Petitioner.

Mr. Gurudas Mitra, Adv.
Mr. Gopal Chandra Das, Adv.
Mr. Debangshu Mondal, Adv.
..for KMC.

Mr. Mrinal Kanti Ghosh, Adv.
...for Respondent No. 5.

The Court:-The petitioner prays for revalidation of his building permit. The permit was initially sanctioned on 28th January, 2002 which was valid upto 27th January, 2007. Revalidation was made on 9th May, 2012 which was valid till 9th May, 2015. The petitioner has made a prayer for further revalidation of the portion of the construction which could not be completed in view of pendency of litigation before this Court.

The petitioner filed a representation before the Executive Engineer (Civil)/Building, Borough-VIII of the Kolkata Municipal Corporation on 8th May, 2017 followed by a reminder on 25th July, 2017.

He alleges that the said representation has not been taken up for consideration till date.

Learned Advocate representing the Kolkata Municipal Corporation relies upon Rule 15 of the Kolkata Municipal Corporation Building Rules, 2009.

It has been submitted that since the maximum period for building permit which could have been executed has already expired, there is no scope of revalidation of the building permit. It has been submitted that presently prayer has to be made for fresh sanction of the permit and not revalidation of the old sanction plan which stood lapsed long ago.

It appears from the submissions made on behalf of both the parties that the application of the petitioner praying for revalidation of building permit is pending consideration at the end of the Executive Engineer (Civil)/Building, Borough-VIII of the Kolkata Municipal Corporation.

The Corporation is yet to take a final decision in the matter.

Accordingly, the present writ petition is disposed of by directing the Executive Engineer (Civil)/Building, Borough-VIII of the Kolkata Municipal Corporation being the respondent No.4 herein to take a decision with regard to the application for revalidation of the sanction plan made by the petitioner strictly in accordance with law at the earliest, but positively within a period of twelve weeks from the date of communication of this order. Prior to taking a final decision in the matter the Executive Engineer (Civil) /Building, Borough-VIII of the Kolkata Municipal Corporation shall afford an opportunity of

hearing to all the necessary parties to place relevant documents in their support. Executive Engineer (Civil) /Building, Borough-VIII of the Kolkata Municipal Corporation shall pass a reasoned order and communicate the same to the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim of the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

Writ petition stands disposed of.

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

(AMRITA SINHA, J.)