

OD-1

ORDER SHEET
WPO No.2181 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KRISHNA PADA SAHA & ORS.
Vs.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 8th June, 2022.

Appearance:
Mr. Debasish Banerjee, Adv.
Ms. Sreetama Neogi, Adv.
...for the Petitioner.

Mrs. Sipra Majumder, Adv.
Mrs. Debarathi Sen (Bose), Adv.
...for the State.

Mr. Dwijadas Chakraborty, Adv.
Sk. Sujauddin, Adv.
...for KMC.

The Court:- The petitioners claim to be the owners and occupiers of the premises No.52/1, S.N. Banerjee Road, Ward No.53, Kolkata- 700 014. According to the petitioners, the condition of the building is very dilapidated and accordingly permission was sought for renovating the same. The petitioners submit that sanction plan was granted in their favour by the Kolkata Municipal Corporation on 18th February, 2021. After receiving the sanction plan, the petitioners commenced work of construction.

A stop work notice was issued on 22nd March, 2022 directing the petitioners to stop work including addition or alteration in the said premises. The Kolkata Municipal Corporation was of the opinion that the construction was being made in deviation from the sanctioned or approved plan.

The petitioners submit that the construction has not been made in deviation of the sanctioned plan. The stop work notice was issued on the basis of the allegation made by third parties, strangers who are no way connected with the said premises.

The petitioners made a representation before the officials of the Kolkata Municipal Corporation on 6th May, 2022 praying for permission to resume construction work. The petitioners allege that the said representation has not been considered by the respondents till date.

It appears from the documents annexed to the writ petition that the petitioners were given permission for reconstruction of roof in accordance with the Act and the Rules of the Kolkata Municipal Corporation.

The petitioners assert that the stop work notice was issued without any physical inspection of the construction work that was being made in the said premises.

As it appears that the representation filed by the petitioners on 6th May, 2022 giving details of the construction work that was being made and the said representation is pending consideration at the end of the respondent authorities, accordingly, the instant writ petition is disposed of by directing the Executive Engineer (Building), Borough No.6 of the Kolkata Municipal Corporation to make a physical inspection of the premises in question to ascertain whether the construction made therein was in deviation of the plan sanctioned by the Corporation or not. The said inspection shall be carried out by giving prior notice to the petitioners and the aforesaid respondent shall pass a reasoned order after consideration of the representation and on receipt of the inspection report. Steps shall be taken in the matter at the

earliest but positively within a period of three weeks from the date of communication of this order. The reasoned order shall be communicated to the petitioners immediately thereafter.

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

The writ petition stands disposed of.

Affidavit of service filed in Court today is taken on record.

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

(AMRITA SINHA, J.)