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ORDER SHEET

WPO No.2297 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BHARAT SEVASHRAM SANGHA
-Versus-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 15th July, 2022.

Appearance:
Mr. Pratip Mukherjee, Adv.
Mr. Partha Pratim Mukhopadhyay, Adv.
..for Petitioner.

Mr. Alok Kumar Ghosh, Adv.
Mr. Saurav Chaudhuri, Adv.
..for KMC.

Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
..for State.

The Court:-Instruction has been received from the Sub-Assistant Engineer (Civil), Assistant Engineer (Civil) and the Executive Engineer (Civil), Building Department, Borough-VII of the Kolkata Municipal Corporation that the department inspected the premises and found that a four storied RCC structure has been erected without any sanctioned plan. As per order passed by this Court on 15th March, 2021, department prepared demolition sketch plan and proceeded under Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

Further inspection was conducted at the premises and the demolition sketch drawing was rectified and an infringement statement was recorded.

Hearing was scheduled on 24th February, 2022 but neither complainant nor person responsible attended the hearing. Final order is yet to be passed in the matter.

It appears from the records that there is already an order passed by this Court for completion of the proceeding which has been initiated for demolition of the unauthorised construction. The said proceeding has not been concluded till date.

The Kolkata Municipal Corporation is directed to issue fresh notice of hearing upon the complainant as well as the person responsible and other necessary parties and conclude the proceeding at the earliest, but positively within a period of four months from the date of communication of this order.

Inspection given by the Kolkata Municipal Corporation dated 11th July, 2022 be retained with the records.

Report of the Officer-in-Charge, Kasba Police Station dated 12th July, 2022 be also retained with the records.

It has been submitted by the learned Advocate representing the petitioner that the probate proceeding that was pending has already been disposed of and by order dated 8th July, 2022 probate has been granted in favour of the petitioner in PLA No.441 of 2019.

Officer-in-Charge, Kasba Police Station is directed to keep strict vigil over the property in question to ensure that no construction

whatsoever is made thereon prior to a decision being taken by the Kolkata Municipal Corporation in this regard.

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.)

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