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ORDER SHEET

WPO No. 2349 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SANJAY SARAF EDUCATIONAL INSTITUTION PVT. LTD. & ORS.
-Versus-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 20th July, 2022.

Appearance:
Mr. Chayan Gupta, Adv.
Mr. Shyantana Chatterjee, Adv.
Mr. Meghajit Mukherjee, Adv.
Ms. Arpita Mallick, Adv.
Ms. Priyanka Sharma, Adv.
Ms. Vidhya Upadhyay, Adv.
..for Petitioners.

Mr. Tapan Coomara Dey, Adv.
Mrs. Sabnam De, Adv.
...for KMC.

The Court:- A notice dated 27th May, 2022 under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 has been issued in favour of the petitioners. The petitioners were directed to show cause within a week from the date of service of the notice as to why erection, alteration, addition or other work should not be demolished. The details of the violation were clearly mentioned therein.

The proceedings have been initiated in respect of the premises No.6A, Elgin Road (Lala Lajpat Rai Sarani), P.S.- Bhowanipore, Kolkata-700020 under Borough-VIII of the Kolkata Municipal Corporation.

Learned Advocate for the petitioners submits that the said notice was issued without any physical inspection being made by the men and agents of the Kolkata Municipal Corporation.

According to the petitioners, the notice in question was posted on 21st June, 2022 and the same was received by the petitioners on 22nd June, 2022. The petitioners seek time to file reply to the show cause notice.

Learned Advocate representing the Kolkata Municipal Corporation denies the contention of the petitioners. It has been submitted that the notice has been issued after proper inspection of the premises in question. As the petitioners failed to act in accordance with the said notice, accordingly, the Kolkata Municipal Corporation may be permitted to take steps in accordance with law.

The notice in question is dated 27th May, 2022 but the postal envelope mentions the date of posting as 21st June, 2022. The petitioners seek extension of time for filing reply to the show cause notice.

For ends of justice, time is extended for filing reply to the show cause by the petitioners. The Kolkata Municipal Corporation is directed to accept the reply to the show cause notice if the same is filed by the petitioners within 3rd August, 2022. In the event the same is filed within the aforesaid time period, the Kolkata Municipal Corporation shall take necessary steps on receipt of the reply. If the reply is not filed within the aforesaid time limit, the Kolkata Municipal Corporation shall proceed in the matter strictly in accordance with law.

Till a decision is taken by the Kolkata Municipal Corporation on receipt of the reply to the show cause notice, if any, filed within the aforesaid time period, the men and agents of the Kolkata Municipal Corporation shall not take any further consequential steps in the matter.

The writ petition stands disposed of.

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

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

(AMRITA SINHA, J.)

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