

OD – 1

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/1810/2021
GOPAL CHANDRA SARKAR
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:
THE HON'BLE JUSTICE
SHAMPA SARKAR
JANUARY 14,2022

[*Via Video Conference*]

Appearance :
Mr. Raghunath Chakraborty, Advocate
Ms. Amrita De, Advocate
...for petitioner
Mr. Biswajit Mukherjee, Advocate
Mr. Gopal Chandra Das, Advocate
....for K.M.C.
Ms. Sucharita Roy, Advocate
...for State
Mr. Satyajit Talukdar, Advocate
Ms. Sancheri Chakraborty, Advocate
..for KMDA

The Court :- Affidavit-of-service is taken on record.

None appears on behalf of the respondent Nos. 8 and 9.

The petitioner has alleged that respondent Nos. 8 and 9 have made some construction on plot No. E55 BP Township, Patuli, adjacent to the plot of the petitioner without permission from the Kolkata Municipal Corporation and without adhering to the norms/guidelines of the Kolkata

Metropolitan Development Authority. According to the petitioner the Kolkata Municipal Corporation as also the KMDA Authorities have failed and neglected to take cognizance of the allegations made by the petitioner.

Under such circumstances, the writ petition is disposed of with a direction upon the competent authorities of the Kolkata Municipal Corporation as also the Kolkata Metropolitan Development Authority to treat the writ petitioner as a representation and dispose of the same in accordance with law upon affording an opportunity for hearing to the petitioner and as also respondent Nos. 8 and 9. While doing so respective parties shall proceed in the matter and pass reasoned orders in accordance with law. Such orders shall be communicated to the parties.

The KMDA Authority shall inspect the premises to ascertain whether the alleged construction has been made in the portion of the plot delineated for construction of latrine/toilet in the plan/map.

The Corporation authorities will make a inspection to ascertain whether the said construction has been made in accordance with any permission and the building rules.

Both the authorities will furnish their respective inspection reports to the parties and upon hearing the parties pass necessary orders as per their jurisdiction conferred upon them by their respective statutes. If it is found, that the construction is illegal and/or unauthorised, or not in

accordance with the terms of allotment of the KMDA, steps shall be taken in accordance with law. This Court has not gone into the merits of the claim of the parties. All the parties herein shall be granted an opportunity at every stage to adduce oral and documentary evidence in support of their respective contentions and make necessary submissions.

The authorities shall also be at liberty to take such steps by way of interim measure, as may be necessary to stop any illegal construction.

(SHAMPA SARKAR, J.)

GH.