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ORDER SHEET

WPO No. 2415 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SARADA SHAW
-Versus-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 2nd September, 2022.

Appearance:
Mr. R.N. Chakraborty, Adv.
Mrs. Amrita De, Adv.
...for the petitioner

Mr. Gopal Chandra Das, Adv.
Ms. Manisha Nath, Adv.
...for KMC.

The Court:-The petitioner alleges illegal and unauthorized construction in the premises No. B/1A/H/3, Mothijheel Lane, Ward-56, Borough-VII under the jurisdiction of the Kolkata Municipal Corporation.

A report has been filed by the Sub-Assistant Engineer (Civil)/Building and the Assistant Engineer (Civil)/Building/ Borough-VII, Kolkata Municipal Corporation signed on 16th August, 2022 which mentions that a three storied thika sanction building plan has been sanctioned in respect of the said premises.

The men of the Kolkata Municipal Corporation inspected the premises and found that the person responsible has constructed the three storied RCC frame structure as per the said thika sanctioned building plan. No unauthorized

construction has been found at the time of inspection. Mandatory open space meant for three storied thika structure has also been maintained by the person responsible.

As it appears that the allegations of unauthorized construction made by the petitioner remain unsubstantiated, accordingly, no relief can be granted to the petitioner in the present writ petition.

The writ petition stands dismissed.

After the order is passed the learned advocate appearing for the petitioner submits that the petitioner is a co-owner of the said premises and the person responsible has obtained the plan without taking necessary 'no objection certificate' from the petitioner. It has been alleged that the plan has been obtained by practicing fraud.

The issue relating to fraud cannot be adjudicated by the Corporation. It will be open for the petitioner to approach the appropriate authority for redressal of her grievance, if so advised.

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

(AMRITA SINHA, J.)