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ORDER SHEET

WPO No. 2462 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

FAIZ AHMED AND ANR.
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date : 26th August, 2022.

Appearance:
Mr. P.S. Deb Barman, Adv.
Mr. Amit Gupta, Adv.
. . .for the petitioners.

Mr. Swapan Kr. Debnath, Adv.
Ms. Sabnam De, Adv.
. . .for the KMC.

The Court:-The petitioners are aggrieved by the notice of demolition issued in respect of the construction made by them in the premises No. B/166/H/84, Keshab Chandra Sen Street, Ward-37, Borough-V.

The petitioners are unable to show that the construction was made in terms of the plan that was sanctioned by the Kolkata Municipal Corporation.

Learned advocate appearing for the petitioners has categorically admitted in Court that construction was made without obtaining any sanctioned plan from the Kolkata Municipal Corporation.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instruction that, the persons responsible have constructed RCC column, beam, staircase, roof from ground floor to the second floor without any building sanction plan.

A person who has made construction without sanction plan ought not to be shown any leniency by the Court when order of demolition is passed against such illegal construction.

The Kolkata Municipal Corporation Act, 1980 prohibits erection of any building except with the previous sanction of the Municipal Commissioner and any person who intends to erect a building is mandatorily required to apply for sanction before the Municipal Commissioner together with such fees as may be prescribed.

The petitioners have approached the Court to restrain the Corporation from performing their statutory duty even though they have constructed without the sanctioned plan.

The prayer of the petitioners, if accepted by the Court, will give a premium to unscrupulous builders to raise construction without any sanction plan and thereafter resist the Corporation when steps will be taken for dealing

with such unauthorized construction. The act of the petitioners is absolutely mala fide and bad in law.

The Court is not inclined to interfere in the matter.

The writ petition stands dismissed.

Instruction given by the Kolkata Municipal Corporation in Court today is taken on record.

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

(AMRITA SINHA, J.)