

OD – 4

ORDER SHEET
WPO/2524/2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

MD ALI AZAD

VS

THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : 14TH SEPTEMBER, 2022

Appearance:
Mr. P. P. Roy, Adv.
Mr. D. Banerjee, Adv.
For the Petitioner

Mr. P. Sengupta, Adv.
Mr. B. Sengupta, Adv.
For the Respondent No.12

Ms. K. Bhattacharyya, Adv.
Ms. M. Nath, Adv.
For KMC

Mr. A. Mukherjee, Adv.
For the State

The Court: The petitioner complains of illegal and unauthorized construction at premises no. 5A, Kalimuddin Sarkar Lane, Ward No.34 Borough-III under the jurisdiction of the Kolkata Municipal Corporation. The petitioner complains that despite representation being filed, the Kolkata Municipal Corporation did not act in response to the same.

Learned Advocate representing the Kolkata Municipal Corporation has produced the instruction received from the Corporation wherein it is mentioned that notice under Section 401 of the KMC Act, 1980 has been served upon the person responsible for making construction.

The instruction mentions that there is no sanction plan for making construction at the said premises and column has been raised above the ground level. Intimation has been given to the Beliaghata Police Station on 26th July, 2022. Notice was sought to be served upon Anutosh Dutta @ Chottu Dutta and Others but they refused to sign the notice.

As it appears that the Kolkata Municipal Corporation has already inspected the property and found that illegal construction is being made thereon, accordingly, the respondent No.7 is directed to take prompt necessary steps to deal with such unauthorized construction strictly in accordance with law after giving reasonable opportunity of hearing to all the necessary parties. Steps taken in the matter shall be communicated to the parties immediately thereafter.

As the Kolkata Municipal Corporation issued the stop work notice and intimated the Beliaghata Police Station, accordingly, the Officer-in-Charge, Beliaghata Police Station is directed to ensure that

no construction is carried on at the said premises without proper sanction from the Kolkata Municipal Corporation.

The writ petition stands disposed of.

The report filed by the Officer-in-Charge, Beliaghata Police Station in Court today be kept on record.

Leave is granted to file Affidavit-of-Service in the course of the day.

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

(AMRITA SINHA, J.)

A.Dey