

OD – 7

ORDER SHEET
WPO/2556/2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SRI PRANAB SANTRA

VS

THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : 13TH SEPTEMBER, 2022

Appearance:
Mr. Pran Gopal Das, Adv.
..for the petitioner

Mr. Achintya Kumar Banerjee, Adv.
Mr. Anan Farmania, Adv.
..for the KMC

The Court: The petitioner complains of illegal and unauthorised construction at the instance of the respondent No. 7 in the premises No. 21/C/H/13, Dum Dum Road, Kolkata-700030 under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner through the learned Advocate filed a complaint before the Kolkata Municipal Corporation on 3rd September, 2022 and complains that the same has not been taken up for consideration till date.

The affidavit of service filed in Court today implies that copy of the writ petition could not be served upon the respondent No. 7.

Learned Advocate appearing for the Kolkata Municipal Corporation submits that the complaint of the petitioner was duly enquired and it was revealed that unauthorised construction is being carried on in the premises in question. The Kolkata Municipal Corporation has already issued notice to

the person responsible to stop the unauthorised construction and thereafter proceeding for demolition also upon initiated.

In view of the order that I intend to pass, none will be prejudiced if the writ petition is disposed of in the following manner.

The Executive Engineer (Civil/Building), Borough-I being the respondent No. 4 herein is directed to conclude the proceeding initiated against the illegal and unauthorised construction strictly in accordance with law after giving reasonable opportunity of hearing to the petitioner and all other necessary parties.

A reasoned order shall be passed by the respondent No. 4 and communicated to the parties. Decision shall be taken in the matter at the earliest, but positively within a period of twelve weeks from the communication of this order.

As the Kolkata Municipal Corporation has already come to a finding that the construction is being made unauthorisedly, accordingly, the respondent No. 5 the Officer in Charge, Chitpur Police Station is directed to ensure that no construction is being made in the premises in question till the proceeding is disposed of by the respondent No. 4.

The writ petition being WPO No. 2556 of 2022 stands disposed of.

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

(AMRITA SINHA, J.)