

OD-3

ORDER SHEET

WPO No.2605 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ALOKE MOHAN BHATTACHERJEE
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 21st September, 2022.

Appearance:
Mr. Kushal Chatterjee, Adv.
Mr. Abhimanyu Banerjee, Adv.
..for Petitioner.

Mr. Alak Kumar Ghosh, Adv.
Mr. Debangshu Mondal, Adv.
...for KMC.

Mr. Dyutiman Banerjee, Adv.
Mr. Arnab Sinha, Adv.
..for Pvt. Respondents.

Mrs. Sipra Majumdar, Adv.
Ms. Prativa Ghatak, Adv.
..for State-Respondents.

The Court:-The petitioner alleges that the respondent nos.7 and 8 are demolishing a portion of the joint property standing at 17, Mahesh Chandra Dutta Lane, Police Station–Chetla, Kolkata-700 027 for the purpose of constructing a multi storied building without obtaining proper sanction from the Kolkata Municipal Corporation.

Learned advocate appearing on behalf of the private respondents denies the allegation of the petitioner.

The petitioner has annexed photographs to show that construction is being made in the premises in question.

Learned advocate representing the Kolkata Municipal Corporation does not have any instruction in the matter.

A report dated 20th September, 2022 filed by Officer-in-Charge, Chetla Police Station mentions that construction is going on in the premises in question.

As the Court is not in a position to ascertain whether the construction is being made in accordance with any sanction granted by the Kolkata Municipal Corporation, accordingly, the Court thinks it fit to direct the Executive Engineer (Civil), Borough-IX of the Kolkata Municipal Corporation to consider the objection that has been filed by the petitioner alleging unauthorised construction, strictly in accordance with law after giving reasonable opportunity of hearing to the petitioner and all other necessary parties and pass a reasoned order and communicate the same to the parties.

The Executive Engineer (Civil), Borough-IX of the Kolkata Municipal Corporation shall cause a site inspection to ascertain the allegation of the petitioner. The site inspection shall be conducted upon prior notice to both the parties.

If it transpires that the construction is being made either without any sanctioned plan or in deviation of the plan sanctioned, then necessary steps shall be taken by the aforesaid respondent to deal with such unauthorized construction in accordance with law.

The site inspection shall be caused within a period of three weeks from date. The reasoned order shall be passed positively within a period of six weeks from the date of the inspection of the property.

Learned advocate appearing on behalf of the petitioner is directed to forward a copy of the representation dated 22nd February, 2022 to the aforesaid respondent at the time of communicating the order of the Court.

Report dated 20th September, 2022 filed by Officer-in-Charge, Chetla Police Station be retained with the record.

Affidavit of service filed in Court today is taken on record.

The writ petition stands disposed of.

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

(AMRITA SINHA, J.)