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ORDER SHEET
WPO No.3085 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

AMBARISH CHANDRA CHOUDHURI
VS.
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 5th December, 2022.

Mr. Arindam Banerjee, Ms. Arpita Saha, Advocates for Petitioner.

Mr. Biswajit Mukherjee, Ms. Manisha Nath, Advocates for KMC.

The Court:- The petitioner complains of illegal installation of a bust on the footpath in front of Calcutta Girls' High School at 118, Biplabi Anukul Chandra Street, Kolkata-700 072 in ward no.47. The said bust was installed in the footpath used by the public without obtaining any permission from the Kolkata Municipal Corporation.

The petitioner was intimated under the Right to Information Act, 2005 that the CME (Civil) department of the Kolkata Municipal Corporation had not installed the said bust and no permission had been given to any person to install the bust.

The petitioner applied before the Executive Engineer (Civil), Borough-VI, Kolkata Municipal Corporation praying for removal of the bust. The same has not been acceded till date.

Reference has been made to the provision of Sections 371, 372 and 343 of the Kolkata Municipal Corporation Act, 1980 empowering the Municipal Commissioner to remove the illegal construction without notice.

Learned advocate representing the Kolkata Municipal Corporation submits that necessary direction may be given to the Municipal Commissioner or his delegate to act in accordance with the provision of law.

As it appears that the Kolkata Municipal Corporation has already disclosed that the bust was installed without any permission, accordingly, the instant writ petition is disposed of by directing the Municipal Commissioner or his delegate to take steps for removal of the bust in accordance with the provision of the Act at the earliest, but positively within a period of six weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward to the Municipal Commissioner a copy of the representation received by the Executive Engineer (Civil), Borough-VI, Kolkata Municipal Corporation on 19th July, 2021 and the information supplied by the Executive Engineer (Civil) on 13th January, 2021 at the time of communicating the order of the Court.

The writ petition stands disposed of.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

(AMRITA SINHA, J.)