

OD-4

ORDER SHEET
WPO No.3108 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

RAJ KISHORE PRASAD @ MAHATO & ANR.
-VS-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 5th December, 2022.

Appearance:

Mr. P. S. Deb Barman, Adv.
Mr. Amit Gupta, Adv.
...for Petitioners.

Mr. Swapan Kuamr Debnath, Adv.
Mrs. Suranjana De Sarkar, Adv.
...for KMC.

The Court:- The matter relates to the premises No.B/16/2/H/4, Nandalal Bose Lane, Bagbazar, Kolkata-700 003 under Borough-I of the Kolkata Municipal Corporation. Notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was issued directing the person responsible to forthwith stop all constructions work including addition and alteration.

The petitioners submit that the said notice was issued on 15th July, 2022 but thereafter the Corporation did not take steps to proceed with the same. The petitioners intend to participate in the demolition proceeding, if any, to be initiated by the Kolkata Municipal Corporation.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instruction, that the entire construction has been made without any sanctioned plan. The matter has been reported and is presently pending before the Director General (Building), Kolkata Municipal Corporation.

The instant writ petition is disposed of by directing the Municipal Commissioner or his delegate to take steps consequent to the notice issued under Section 401 of the Kolkata Municipal Corporation Act, 1980 in accordance with the office Circular Nos. 16/2021-22 dated 2nd March, 2022 and 24 dated 8th July, 2021 at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

A reasonable opportunity of hearing shall be granted to the petitioners and all other necessary parties. A formal order be passed and communicated to the parties immediately thereafter.

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 supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

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