

OD-4

ORDER SHEET
WPO No.3168 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAIENDRANATH KOTAL
-VS-
STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 13th December, 2022.

Appearance:

Mr. A. Kr. Bhattacharya, Adv.
Mr. S. Gangopadhyay, Adv.
...for Petitioner.

Mr. Swapan Kuamr Debnath, Adv.
Mr. Gopal Chandra Das, Adv.
Mr. A. Farmania, Adv.
...for KMC.

Mr. D. Mukherjee, Adv.
Ms. S. Chatterjee, Adv.
..for State.

The Court:- The matter relates to the premises No. B/16/3/H/4, Nandalal Bose Lane, Ward No.7, Kolkata-700 003 under Borough-I of the Kolkata Municipal Corporation. Notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was issued upon the person responsible with a direction to forthwith stop all construction work including addition and alteration.

The petitioner submits that the said notice was issued on 9th June, 2022 but thereafter the Corporation did not take steps to proceed with the same. The petitioner intends to participate in the demolition proceeding, if any, to be initiated by the Kolkata Municipal Corporation.

Learned advocate representing the Kolkata Municipal Corporation is yet to receive any instruction in the matter.

As it appears that notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 has been issued but no steps taken thereafter, accordingly, 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 petitioner 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.

Report filed by the Officer-in-Charge, Shyampukur P.S. 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.)