

ORDER SHEET

WPO/3254/2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

NABAKUMAR MANNA @ BABLU MANNA
-VS-
STATE OF WEST BENGAL AND OTHERS

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : December 16, 2022.

Appearance:

Mr. Amit Kr. Bhattacharya, Adv.
Mr. Somnath Gangopadhyay, Adv.
...for the petitioner

Mr. Ranajit Chatterjee, Adv.
Ms. Debangana Dey Nayak, Adv.
...for the KMC

Mr. Manoj Malhotra, Adv.
Mr. Santanu Chatterjee, Adv.
...for the State

The Court: The petitioner claims to be the owner and occupier of the premises No.B/16/3/H/6, Nandalal Bose Lane, Ward No.7, Borough-I under the jurisdiction of Kolkata Municipal Corporation.

A notice has been issued under Section 401 of the KMC Act, 1980 directing the petitioner to forthwith stop the construction work in respect of premises No.B/16/3/H/5, Nandalal Bose Lane.

The petitioner refers to the property tax bill issued by the Kolkata Municipal Corporation in the name of one Kishori Manna, who happens to be the father of the petitioner, since deceased, in respect of premises No.B/16/3/H/6, Nandalal Bose Lane.

It has been submitted that the petitioner is no way connected with the premises in respect of which notice under Section 401 KMC Act has been issued.

In view of the above, it will be open for the Corporation to issue fresh notice in respect of any person responsible for making unauthorized construction in respect of premises No.B/16/3/H/5, Nandalal Bose Lane.

The impugned notice to stop construction cannot be made applicable in respect of the petitioner who is not connected with the aforesaid premises.

The writ petition accordingly stands disposed of.

Instruction given by the Executive Engineer (Civil), Building Department, Borough-I, KMC dated 14th December, 2022 and the affidavit of service filed in Court today are retained with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)