

OD-6

ORDER SHEET

WPO No.3333 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

HASHMAT HOSSAIN & ORS.
VS.
THE KOLKATA MUNICIPAL CORPORATON & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date:22nd December, 2022.

Appearance:
Mr. Supratick Syamal, Ms. Somosreedebi Dutta, Advocates for the
Petitioners.

Mr. Barin Banerjee, Ms. Manisha Nath,
Advocates for KMC.

The Court:- The petitioner seeks revalidation of sanction plan dated
2nd August, 2012.

The petitioners submit that because of diverse reasons construction
could not be made in accordance with the plan sanctioned within its validity
period.

The petitioners seek renewal/revalidation of the said plan.

According to the provision of Section 398 of the Kolkata Municipal
Corporation Act, 1980 if the person or any one lawfully claiming under him
does not commence the erection of the building or the execution of the work
within two years of the date on which the erection of the building or the
execution of the work is sanctioned, he shall give notice for fresh sanction.

According to Section 399, the Municipal Commissioner shall, when
sanctioning the erection of a building or the execution of a work, specify a

reasonable period within which the building or the work is to be completed, and if the building or the work is not completed within the period so specified, it shall not be continued thereafter without fresh sanction obtained, unless the Municipal Commissioner, on an application made in this behalf, allows an extension of such period.

In the present case, the sanction which was granted in favour of the petitioners expired long back. There is no permission from the Municipal Commissioner to initiate or continue with the construction work on the basis of the said plan.

In view of the above, it will be open for the petitioners to apply before the Kolkata Municipal Corporation for obtaining fresh sanction in the event the petitioners are interested to make construction at the subject premises.

The writ petition stands disposed of.

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

(AMRITA SINHA, J.)