

Item No.93

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

25.07.2023
Ct-24

WPA 5475 of 2023

Md. Parvez

v.

The Kolkata Municipal Corporation & Ors.

Mr. Syed Nasim Aejaaz

...For the petitioner.

Mr. Gurudas Mitra

Mr. Debangshu Mondal

... For KMC.

Mr. Sourav Chowdhury

Ms. Amrita Panja Moulick

... for the State.

Report has been filed by the Sub-Assistant Engineer (C), Building, the Assistant Engineer (C), Building and the Executive Engineer (C)/Building, Borough-VII dated July 6, 2023 mentioning that departmental inspection revealed that premises no. 91, D.C. Dey Road under Ward No. 56 is a vast premises. Plan was sanctioned for construction of three storied residential building in respect of premises no. 3/1A, Bibi Bagan Lane in the name of the applicant Suparna Das Chowdhury.

The photographs of the unauthorized construction as submitted by the petitioner are not of the premises no. 91, D.C. Dey Road but of the premises no. 3/1A, Bibi Bagan Lane.

Learned advocate for the petitioner submits that as the two premises are adjacent to each other, the petitioner failed to supply the proper number of the subject premises.

Learned advocate for the petitioner submits that the premises number will be 3/1A, Bibi Bagan Lane. The report of the engineers mentions that the construction raised at 3/1A, Bibi Bagan Lane has been found to be made in deviation of the plan sanctioned. A six storied building has been raised by obtaining sanction for construction of three storied building. The matter is already under process under Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

The learned advocate for the Corporation submits that the present writ petition is only restricted to premises no. 91, D.C. Dey Road and not in respect of premises no. 3/1A, Bibi Bagan Lane.

In view of detection of unauthorized construction, the Corporation is directed to take necessary steps to deal with the same in accordance with law.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

Sh.

(Amrita Sinha, J.)