

**W.P.A. 7034 of 2015**

**Smt. Sunanda Basu  
Vs.  
The Kolkata Municipal Corporation & Ors.**

**Mr. Joydeep Acharya  
....for the petitioner**

**Ms. Sudeshna Basu Thakur  
...for the respondent no. 4**

**Mr. Biswajit Mukherjee  
Mr. Gopal Chandra Das  
.....for the KMC**

The grievance has been ventilated in this writ petition by lodging a compliant which is annexure P6 to this writ petition raising objections against installation of drainage and sewerage pipe lines and construction of boundary wall by the respondent no. 4 after the order was passed by the Deputy Chief Engineer (Bldg.)/South dated 17<sup>th</sup> June, 2014.

It has also been brought to the notice of this Court that for retention of a portion of the structure by the respondent no. 4 the said respondent no. 4 was required to furnish an affidavit declaring on oath that in future the respondent no. 4 would not make any further construction in the premises without permission from the Kolkata Municipal Corporation.

It has been submitted on behalf of the petitioner that in spite of this order dated 17<sup>th</sup> June, 2014 passed by the Deputy Chief Engineer (Bldg.)/South subsequently in 2015 certain unauthorized

constructions have been carried out by the said respondent no. 4 in his premises which is adjacent to the premises of the petitioner having holding no. G-79A, Baghajatin Pally, Kolkata-700086.

The respondent no. 4 is represented by learned advocate who has opposed the prayer of the petitioner and submits that the grievance of the petitioner centers around one boundary wall in between the premises of the petitioner and the respondent no.4, but such boundary wall was constructed long back and not in the year 2015.

In view of aforesaid dispute as raised by the petitioner this Court directs the concerned authority of Kolkata Municipal Corporation to initiate proceedings under Section 400 of the Kolkata Municipal Corporation Act, 1980 and conclude the same within a reasonable period after granting opportunity of hearing to the petitioner as well as respondent no. 4.

The appropriate authority of the Corporation is directed to pass a final order upon bringing proceedings under Section 400 into a logical conclusion preferably within a period of 16 (sixteen) weeks from the date of communication of this order but not later than 20 (twenty) weeks from such date.

Decision to be taken by the concerned authority of the Kolkata Municipal Corporation shall be communicated to the parties within 1 (one) week thereafter.

With the aforesaid directions, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**