

Item No.29

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

05.07.2023
Ct-24

WPA 8688 of 2023
Monirul Islam Mollick

v.
The Kolkata Municipal Corporation & Ors.

Mr. Indrajit Bhattacharjee
Mr. Murari Mohan Ganguly
... for the petitioner.

Mr. Mansoor Alam
... for the respondent no. 6.

Mr. Ansar Mondal
Ms. Ananya Mondal
... for the State.

Mr. Nilanjan Chatterjee
... for KMC.

The petitioner alleges illegal and unauthorized construction at premises no. V-137/1, S.A. Farooque Road, P.S. Rajabagan, Kolkata-700018.

Allegation is that construction is being made by illegally filling up a water body.

On receipt of the complaint from the petitioner, departmental inspection was carried out at the subject premises. It revealed that no construction was noticed and no building material was found in the abovementioned premises.

Photographs attached to the writ petition is in respect of premises no. 137/G, S.A. Farooque Road where construction work was going on and the department has taken steps against such construction.

The construction at premises no. 137/G was being made by deviating from the sanctioned plan. A stop work notice has been issued with intimation to the local Rajabagan Police Station.

Learned advocate representing the private respondent admits that construction is going on at premises no. 137/G and the same is being made in accordance with the plan sanctioned.

Upon hearing the submissions made on behalf of all the parties it appears that the subject premises is 137/G where allegation is of unauthorized construction. The department has detected unauthorized construction and issued a stop work notice.

The department is directed to take necessary steps to conclude the proceeding to deal with such unauthorized construction in accordance with law after giving reasonable opportunity of hearing to all the necessary parties.

The proceeding shall be concluded positively within a period of twelve weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

Report filed by the Rajabagan Police Station be 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.

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(Amrita Sinha, J.)