

28.11.2023
Item No.14
gd/ssd

WPA(P)/230/2022
SMT. SUMITRA MONDAL AND ORS.
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

Mr. Gopal Ch. Ghosh,
Mr. Sayan Sengupta
..for the Petitioners.

Mr. Siddhartha Ruj
..for the Respondent Nos.11 and 12.

Mr. Sourojit Dasgupta,
Mr. Soumya Nag,
Mr. Abhinav Rakshit
..for the Respondent No.13.

Mr. Gurudas Mitra
..for KMC.

1. By way of this public interest litigation the petitioners allege that the private respondents are filling up a water body and manipulated the official records.

2. The learned advocate for the Kolkata Municipal Corporation submitted that notice has already been issued to the private respondents and proceedings have been initiated.

3. The learned advocates for the private respondents submitted that they have no instruction in this regard.

4. In any event the private respondents are stated to have been aggrieved by a speaking order passed by the authority which they have independently

challenged in a writ petition and the writ petition is pending.

5. In any event it is for the municipal authorities to conduct proper inspection of the areas falling within that jurisdiction to ensure that water bodies or government land is not encroached or filled up by unauthorized construction.

6. Therefore, we dispose of this writ petition by directing the Kolkata Municipal Corporation and the other authorities to issue notice to the private respondents, conduct inspection and thereafter proceed to take action in accordance with law.

7. This direction be complied with within a period of twelve weeks from the date of receipt of the server copy of this order.

8. The report filed by the Kolkata Municipal Corporation is taken on record.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)