

Item No.104+105

In the High Court At Calcutta
Special Jurisdiction
Appellate Side

14.12.2023
Ct-24

CPAN 584 of 2022
Tripti Sinha
v.
Kasturi Chowdhury
in
WPA 11025 of 2020
with
WPA 15679 of 2023

Mr. Meghnad Dutta
Mr. Abhishek Shaw
... for the writ petitioner in WPA 15679
of 2023.

Mr. Amalesh Ray
Mr. Aman Gupta
... for the alleged contemnor.

Mr. Shibendra Nath Chattopadhyay
Mr. Priyan Misra
Mr. Amitava Chakraborty
Mr. S. Bhattacharya
Mr. S. Chandra
... for the petitioner in the contempt
application.

A report has been filed by the South Dum Dum Municipality. In the said report it has been mentioned that the construction of the building is beyond the sanctioned plan.

Reliance has been placed on the notification dated December 4, 2023 by the Urban Development and Municipal Affairs Department wherein there is a provision for regularization of minor unauthorized erection.

As it appears that the Municipality has come to a considered finding that unauthorized construction

exists, accordingly, the Board of Councillors of the Municipality is directed to deal with such unauthorized construction in accordance with law.

The petitioner in the contempt petition asserts that the 3rd floor of the building was constructed without obtaining any sanction at all.

The Municipality shall decide the said issue as to whether there was any sanction for construction of the G+3 storied structure.

The Municipality shall give an opportunity of hearing to the writ petitioner and to the contempt petitioner and thereafter pass a reasoned order in the matter.

A decision shall be taken in the matter by the Board of Councillors at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The writ petition and the contempt application stand disposed of.

Report filed by the Municipality in Court today 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.)