

Item No. 78(ml)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

9.01.2023
Ct-24

WPA 14947 of 2021
Dipali Naskar & Anr.

v.

The Kolkata Municipal Corporation & Ors.

Mr. Subir Banerjee
Mr. Shaunak Ghosh
Md. Hossain
... for the petitioners.

Mr. Manas Kundu
Mr. Debabrata Mondal
... for the State.

Mr. Sanatan Ghosh
Mr. Falguni Bandopadhyay
Ms. Riya Ballav
... for the respondent no. 10.

Mr. N.C. Bihani
Ms. Paushali Banerjee
... for KMC.

The matter relates to Premises No. 69, Banerjee Para Lane, Ward No. 91, Borough-X under the jurisdiction of the Kolkata Municipal Corporation.

The petitioners claim that the property is a joint property and refers to the preliminary decree of partition passed on April 27, 1995 in TS No. 104 of 1990 by the learned 5th Court of Assistant District Judge, Alipore.

It has been submitted that the private respondents are raising construction without obtaining any sanction either from the Kolkata Municipal

Corporation and without obtaining any consent of the other co-owners of the said property.

Learned advocate representing the respondent no. 10, one of the persons responsible for making such construction submits that, only renovation work was going on and no construction is made thereon.

Learned advocate representing the Kolkata Municipal Corporation has received instruction from the Executive Engineer, Assistant Engineer, Sub-Assistant Engineer(C)/Bldg., Borough-X of the Kolkata Municipal Corporation wherefrom it appears that the department inspected the subject premises and found that the persons responsible Bishnupada Naskar, Biswanath Naskar and Minati Naskar have constructed one storied brick structure at the subject premises without any sanction from the Kolkata Municipal Corporation.

Subsequently, proceeding under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 was initiated and the hearing process has been concluded by the Special Officer (Building). The matter is presently before the Mayor in Council awaiting their approval.

As it appears from the departmental inspection report that indeed construction has been made without any sanctioned plan, accordingly necessary steps shall be taken to deal with the said unauthorized construction in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

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.)