

Item No.36

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

18.10.2023
Ct-24

WPA 14580 of 2023
Md. Mustak

v.

The Kolkata Municipal Corporation & Ors.

Mr. Nilanjana Dasgupta
... for the State.

Mr. Subhrangsu Panda
... for KMC.

Learned advocate representing the petitioner submits that the petitioner has been given life threat by the developer if he proceeds any further with the writ petition.

The petitioner has forced the learned advocate to issue no objection certificate. Right now the learned advocate is no longer appearing for the petitioner as no objection has already been issued.

Learned advocate representing the Corporation submits, upon instruction that, the department inspected the site on October 16, 2023 and found that there exists ground floor and the column shuttering above the ground floor. The photographs relied upon by the petitioner are superimposed ones with the adjacent rear side building. The two premises are distinctly separate from each other. The structure at the subject premises is without a sanction plan and the department has issued stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 and the file is being processed under Section 400 of the KMC Act.

As the petitioner remains unrepresented, accordingly, the instant writ petition is disposed of by directing the Executive Engineer to proceed with the demolition proceeding in accordance with law.

The instruction by the Sub-Assistant Engineer (C), the Assistant Engineer (C) and the Executive Engineer (C)/Building, Borough VII signed on October 17, 2023 be retained with the records.

Instruction of the Officer-in-Charge, Karaya Police Station be kept on record.

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.

Sh

(Amrita Sinha, J.)