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20.09.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 17950 of 2023

**Nagesh Singh
-versus
The Kolkata Municipal Corporation & Ors.**

**Mr. Rabi Sankar Chattopadhyay,
Ms. Ayesha Iman.
...For the Petitioner.**

**Ms. Tanushree Dasgupta,
Ms. Debangana Dey Nayak.
...For KMC.**

The petitioner is aggrieved by the act of the Corporation in sanctioning the reconstruction plan for raising construction.

The petitioner submits that plan has been sanctioned without maintaining any open space.

The instruction provided by the engineers of the Kolkata Municipal Corporation reveals that the owner of the premises obtained reconstruction sanctioned plan for G+4 storied residential building under Rule 3(2)(a) and 3(2)(e) of the Kolkata Municipal Corporation Building Rules, 2009 and under Section 410 of the Kolkata Municipal Corporation Act, 1980.

The sanction plan was issued under Rule 21 of the said rules. The construction work was executed under the supervision of the empanelled structural engineer. Departmental inspection revealed that the reconstruction work is almost complete and the same

has been made in accordance with the sanctioned plan and the constructed area is presently occupied by the occupants.

According to the Corporation, the mandatory side open spaces are not required for sanctioning of the reconstruction plan under Rule 3(2) of the Kolkata Municipal Corporation Building Rules, 2009 and under Section 410 of the Kolkata Municipal Corporation Act, 1980.

The said sanction is provided to furnish adequate strength to the old dilapidated existing building for safety and security of the inmates.

On a perusal of the report filed by the Corporation, it does not appear that the allegations of the petitioner are not proper.

The relief sought for by the petitioner cannot be allowed.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)