

Item No.20

15.12.2023
Ct-24
AGM

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 20787 of 2023

Sri Arvind Bhasin

v.

The State of West Bengal & Ors.

Mr. Surya Prasad Chattopadhyay
Mr. Arjun Samanta
Mr. Ankit Chatterjee
... for the petitioner.

Mr. Debjit Mukherjee
Mr. Avirup Mondal
Ms. Shahnaaz Parveen
... For the private respondents.

Ms. Tanushree Dasgupta
Mr. Atis Kumar Biswas
... for the KMC.

Ms. Jyotsna Mukherjee
Ms. Srijani Mukherjee
... For the State.

The petitioner complains of illegal and unauthorised construction at the behest of the private respondents at premises no. 62, Shakespeare Sarani, Ward-64, Borough-VII of the KMC.

Allegation is that additional floors have been constructed without obtaining any sanction from the Corporation.

Learned advocate representing the private respondents denies the allegation of the petitioner. It has been submitted that no new construction has been made and only minor repairing works have been done.

The private respondents submit that the structure is a five storied building and the same will be evident from the inspection book maintained by the KMC.

Learned advocate representing the KMC has relied upon the instruction forwarded by three engineers of the Corporation signed on 13th September, 2023.

It appears therefrom that the department conducted inspection and it revealed that two additional floors over the existing four storied building have been constructed without sanction.

A stop work notice was issued and intimation given to the Officer-in-Charge, Beniapukur P.S. Request for round o-clock posting was also made. The department is proceeding under Section 400 of the KMC Act, 1980 and hearing was conducted before the Special Officer (Building) on 7th January, 2022 and 19th September, 2023.

The report of the Corporation does not disclose as to whether final order has been passed or not. As it appears that the Corporation has already taken steps to deal with the unauthorised construction and hearing was also conducted by the Special Officer (Building), accordingly, the instant writ petition is disposed of by directing the concerned officer of the KMC to conclude the proceeding under Section 400 of the KMC Act, 1980 at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The Corporation shall ensure that all the necessary parties are given reasonable opportunity of hearing prior to passing the final 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.

(Amrita Sinha, J.)