

Item No.232

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.10.2023
Ct-24
BP

WPA 20933 of 2023

Abhijit Bhanja & Ors.
v.
The Kolkata Municipal Corporation & Ors.

Ms. Sima Chakraborty
..for K.M.C.

Mr. Atish Dipankar Roy
Mr. A.K. De
..for the respondent no.6

Mr. Pinaki Bhattacharya
Mr. Md. M. Nazar Chowdhury
..for the State

None appears on behalf of the petitioners at the time of call.

Learned advocate for the Kolkata Municipal Corporation is present with instruction.

On perusal of the averments in the writ petition it appears that the petitioners have prayed for direction upon the Corporation seeking removal of the illegal and unauthorized construction made at premises no. 108, Raja Subodh Chandra Mallick Road, Kolkata-700 047 in the place earmarked for installation of the lift in Block-A, Ground Floor, South Horizon Complex.

The report filed by the engineers of the Kolkata Municipal Corporation dated 14th September, 2023 mentions that the Building Department, Borough-X inspected the premises and detected unauthorized construction of total area about 41.464 sq. mts by

covering all the open terrace at the first floor of Block-A beyond Kolkata Municipal Corporation sanctioned plan infringing the KMC Building Rules, 2009. An objection was also received against installation of the lift. The department issued a letter for production of the 'no objection' certificate from all the flat owners and to remove the unauthorized construction made beyond the sanctioned plan.

Affidavit in opposition filed on behalf of the respondent no.6 in Court today is taken on record.

Upon hearing the parties and upon perusal of the records, it appears that the Corporation has already communicated the petitioners regarding the formalities to be completed for installation of the lift. The petitioners are directed to act accordingly.

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.)