

Item No.5

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

13.10.2023
Ct-24

WPA 23803 of 2023
Ramdas Sengupta

v.

The Kolkata Municipal Corporation & Ors.

Mr. Subhabrata Datta
Mr. Debashis Sarkar
... for the petitioner.

Mr. Rudranil De
Mr. Kakali Naskar
... for the State.

Mr. Subhrangsu Panda
Ms. Ina Bhattacharyya
... for KMC.

Mr. Shashwat Nayak
Mr. A. Guin
... for the respondent no. 5.

The petitioner alleges illegal and unauthorized installation of illegal grills and gate in front of the residence of the petitioner in such a manner that the ingress and egress to the petitioner's residence is being seriously infringed.

Objection was filed before the Commissioner, Kolkata Municipal Corporation. The same is alleged to be kept pending.

Learned advocate representing the private respondent denies installation of the gate or making any unauthorized construction.

Learned advocate representing the Corporation has obtained instruction from the Executive

Engineer(C)/Building/Br-XII signed on October 11, 2023 wherein it has been mentioned that the Premises No. D-126, Baghajatin Colony, Ward No. 102, Borough-XII was inspected and the Engineering Department has reported that the passage is a private one.

The Building Department has inspected the site and found iron angle & iron flat bar has been fixed on the passage without any sanction/permission from the Corporation. Notice under Section 401 KMC Act, 1980 has been served and intimation given to the police.

The Executive Engineer of the Corporation is directed to take necessary steps to deal with the unauthorized construction in accordance with law at the earliest after giving reasonable opportunity of hearing to all the necessary parties at the earliest but positively within a period of eight weeks from the date of communication of this order.

As regards infringement of the private right of the petitioner, it will be open for the petitioner to approach the competent forum for remedy.

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.)