

Item No.16

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

3.01.2023
Ct-24

WPA 26260 of 2022
Akbar Khan

v.

The Kolkata Municipal Corporation & Ors.

Mr. Indrajit Bhattacharjee
... for the petitioner.

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
... for KMC.

Mr. Himadri Sikhar Chakraborty
Ms. Susnita Saha
... for the State.

Mr. Sandeep Prasad Shaw
Mr. Anupam Some
Ms. Susmita Devi
... for the respondent no. 9.

The petitioner complains of illegal and unauthorized construction at the instance of the private respondents at O-75/B, Fathepur 2nd Lane, P.S.- Metiabruz, Borough XV under the jurisdiction of the Kolkata Municipal Corporation.

The petitioner complains that the objection filed before the respondent authority in November 2022 has not been taken up for consideration till date.

Learned advocate representing the private respondents denies the allegation of the petitioner. It has been submitted that construction has been made in accordance with the plan sanctioned.

Learned advocate representing the Kolkata Municipal Corporation is yet to receive instruction in the matter.

Learned advocate representing the State respondents has received instruction from the Officer-in-Charge, Metiabruz Police Station wherefrom it appears that a notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was issued on April 13, 2022 and the police is keeping strict vigil over the property in question.

As it appears that the Kolkata Municipal Corporation has already issued notice under Section 401, accordingly it is incumbent for the respondent authority to take steps in accordance with law in furtherance to the stop work notice and deal with the unauthorized construction that has been made.

The respondent no. 4 being the Executive Engineer (Building), Borough-XV, Kolkata Municipal Corporation is accordingly directed to take steps to deal with the unauthorized construction in accordance with law after giving reasonable opportunity of hearing to all the necessary parties at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

Report filed by the Officer-in-Charge, Metiabruz Police Station signed on December 7, 2022 be retained with the records.

Affidavit-of-service filed in Court today is taken on record.

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.)