

11. 18.10.2023
bd. Ct.15

W.P.A. 26717 of 2015

Sanjiv Agarwal

-vs-

The Kolkata Municipal Corporation & Ors.

Mr. Reetobroto Kumar Mitra

Mr. Aditya Kanodia

Mr. Rudrajit Sarkar ... for the petitioner.

Ms. Sima Chakraborty ... for the KMC

In spite of service of notice upon the respondent no. 5 the said respondent is not represented today. Affidavit of service filed on behalf of petitioner is taken on record.

Writ petitioner complains of illegal construction at the premises having holding No. 25B, Belvedere Road, Kolkata. It has been alleged that on demolition of old structure new RCC construction was being made at the instance of the respondent no. 5. However, a coordinate Bench having considered the allegation made in this writ petition passed an interim order restraining the respondent no. 5 from making further construction at the aforesaid premises.

In view of the case made out in this writ petition this Court finds it apt to direct the concerned authority of KMC to initiate a proceeding under section 400(1) of the Kolkata Municipal Corporation Act, 1980 within two weeks from the date of communication of this order and to conclude the same within twelve weeks thereafter upon granting opportunity of hearing to the petitioner and the respondent no. 5. On conclusion of the

proceeding the concerned authority of KMC is directed to pass a reasoned order which shall be communicated to the parties within one week thereafter.

The interim order passed by the coordinate Bench on 24th August, 2016 restraining the respondent no. 5 from making further construction at the aforesaid premises shall continue till fortnight after receipt of the order to be passed by the concerned authority of KMC, by the petitioner.

With the aforesaid direction the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)