

ORDER SHEET

WPO/6/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KALPANA KOTAL
-VS-
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date : January 6, 2023.

Appearance:
Mr. Anindya Bose, Adv.
Mr. Amit Gupta, Adv.
Mr. Diptendu Mandal, Adv.
Ms. Debagana Dey Nayak, Adv.
...for the petitioner

Mr. Swapan Kr. Debnath, Adv.
Ms. Sabnam De, Adv.
...for the KMC

The Court: The matter relates to certain unauthorized construction carried on at premises No. B/3/H/1, Durga Charan Banerjee Street, Ward No.8, Borough-1 under the jurisdiction of the Kolkata Municipal Corporation.

The engineers of the Kolkata Municipal Corporation issued stop work notice under Section 401 of the KMC Act, 1980 on the persons responsible for making construction on 23rd December, 2022. The petitioner prays for a direction upon the Kolkata Municipal Corporation to take further consequential steps in the matter after giving an opportunity of hearing to the petitioner.

From the documents annexed to the writ petition, it appears that the stop work notice was issued on 23rd December, 2022 and the petitioner filed the writ petition before this Court on 3rd January, 2023. The petitioner acted in super haste to file the writ petition.

As the Corporation has detected unauthorized construction, stop work notice has been issued. The Corporation shall take necessary consequential steps in the matter in accordance with law.

The writ petition stands disposed of.

Instruction given by the Executive Engineer (Civil), Building Department, Borough-I signed on 4th January, 2023 be retained with the records.

Affidavit of service filed in Court 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.

(AMRITA SINHA, J.)