

ORDER SHEET

WPO/333/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

GOPAL CHANDRA DAS
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 23rd February, 2023.

Appearance:
Mr. Prabhat Kr. Singh, Adv.
...For the Petitioner
Mr. Subhrangsu Panda, Adv.
Ms. Ina Bhattacharyya, Adv.
...For the KMC

The Court: None appears on behalf of the private respondents.

Affidavit of service filed in Court be retained with the record.

The petitioner complains of illegal and unauthorised construction at 174, Sarat Bose Road, Ward No. 90, Borough No. VIII, Kolkata-700029 under the jurisdiction of the Kolkata Municipal Corporation. The petitioner complains that despite repeated objections being filed, the Corporation did not take any steps to redress the grievance of the petitioner.

A report has been filed by the learned advocate representing the Kolkata Municipal Corporation. The said report has been signed by three engineers of the Corporation on 22nd February, 2023. The same mentions that the departmental inspection revealed that there is an existing five storied Assembly Building (Guest House) at the subject address. The persons responsible constructed the following:

“1. Steel framed shaded structure at portion of mandatory side open space (southern side).

2. Tin shed at portion of mandatory rear open space (Eastern side) at ground floor.

3. Banquet hall and office at ground floor instead of car parking space.

4. Store portion of first floor has been converted to restaurant.

All the said works has been constructed in deviation from the approved completion plan vide B.P. No. 2001080187 dated 27.03.2002.”

A stop work notice U/S 401 along with notice U/S 416 of the Kolkata Municipal Corporation Act 1980 has been served upon the persons responsible and intimation letter has also been sent to the concerned Rabindra Sarobar police station on the same date.

The file will be processed further as per K.M.C. Act, 1980.

As it appears from the report of the Corporation that indeed unauthorised constructions in deviation of the sanction plan have been detected, the respondent no. 2 or his delegate is directed to take steps in accordance with law to deal with such unauthorised constructions. A reasonable opportunity of hearing shall be given to all the necessary parties and a reasoned order shall be passed.

The aforesaid exercise shall be concluded at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the objection dated 28th November, 2022 to the respondent no. 2 at the time of communicating the order of this Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)

TR/

