

OD-5

ORDER SHEET
WPO No. 573 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SANJAY MAHANTA
Versus
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 16th March, 2023.

Appearance:
Mr. P.S. Deb Barman, Adv.
Mr. Amit Gupta, Adv.
...for the Petitioner.

Mr. Swapan Kr. Debnath, Adv.
Mr. Suranjana De Sarkar, Adv.
...for KMC.

The Court:- The matter relates to the premises No.7/2A, Marhatta Ditch Lane, Ward No.7, Borough-I under the jurisdiction of the Kolkata Municipal Corporation.

A stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was issued on 16.02.2023 upon the persons responsible for making construction without any sanction.

Petitioner submits that since thereafter no steps have been taken by the respondent authority. Petitioner prays for a direction for conclusion of the proceeding that may be initiated by the Corporation.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instruction that, unauthorized construction was detected during routine inspection, and accordingly, stop work notice has been issued.

Further steps will be taken in the matter in accordance with the direction to be passed by the higher authority.

Petitioner has filed a representation before the Executive Engineer (Civil)/Building Department on 20.02.2023 admitting that new construction has been made. Prayer has been made for regularization of the said construction work.

Executive Engineer (Civil)/ Building Department, Borough-II being the respondent no.4 is directed to take steps in accordance with law to deal with any unauthorized construction raised by the petitioner upon giving notice to all the necessary parties.

The writ petition stands disposed of.

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

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

(AMRITA SINHA, J.)