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ORDER SHEET
WPO No.860 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ASHOKE SEAL
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:13th April, 2023.

Appearance:
Mr. Raghunath Chakraborty, Adv.
..for the Petitioner.

Mr. Gopal Chandra Das, Adv.
Mr. Subhrangsu Panda, Adv.
..for KMC.

Mr. Manoj Malhotra, Adv.
Mr. Sabyasachi Mondal, Adv.
... for the State.

The Court:-The petitioner claims to be one of the co-owners of the premises no.248/8 (248/F), Bagmari Road, Kankurgachi, Kolkata-700054.

The petitioner submits that a building was constructed at the subject premises. The said construction was made without obtaining any sanction from the Corporation.

In paragraph 6 of the writ petition, the petitioner has averred that on 11.04.2023 some persons identifying themselves as employees of the Kolkata Municipal Corporation, Building Department, Borough-III, visited the premises and informed the petitioner that the Corporation initiated certain action against the petitioner alleging unauthorized construction and action under Section 400(8) for immediate demolition of the premises will be taken. The petitioner has further averred that no notice under Section 400(8) was served.

Learned advocate for the Corporation denies the submission made on behalf of the petitioner. It has been submitted that none of the employees of the Corporation visited the petitioner's premises as claimed.

It appears from the submissions and averments made that the writ petition has been filed out of mere apprehension. No step appears to have been taken by the Corporation as yet to deal with the unauthorized construction of the petitioner's premises. The petitioner has approached this Court to forestall the proceeding which may be initiated by the Corporation to take step against the unauthorized construction.

In the facts of the case, no relief can be granted to the petitioner.

The writ petition fails and is hereby dismissed.

It will be open for the Corporation to take step in accordance with law to deal with any unauthorized construction at the subject premises.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)