

OD - 7

ORDER SHEET

WPO/941/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SUSHILA DEVI AND OTHERS
VS.
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: April 28, 2023.

Appearance:

Mr. Sumitava Chakraborty, Adv.
... for the petitioners

Mr. Subhrangsu Panda, Adv.
Ms. Ina Bhattacharyya, Adv.
... for the KMC.

The Court: Affidavit-of-service filed in Court is taken on record.

The petitioners are aggrieved as the Kolkata Municipal Corporation is not taking further steps after issuance of notice under Section 401 of the KMC Act, 1980 in respect of the construction at 20 A, Meher Ali Mondal Street, Ward No.78, Borough-IX of the Kolkata Municipal Corporation.

The petitioners submit that a building plan was sanctioned for raising construction at the subject premises and the said plan is valid till 31st January, 2024. After issuance of the stop work notice, the petitioners have stopped the construction work.

Prayer has been made for directing the Corporation to conclude the proceeding and permit the petitioners to resume construction.

Learned Advocate representing the Kolkata Municipal Corporation produces the report signed by the Executive Engineer (Civil)/Building, Borough-IX on 27th April, 2023 mentioning that departmental inspection revealed that a sanction of three-storied building of nine meter height was granted for making construction. The person responsible constructed one additional floor and encroached the mandatory side open spaces by deviation from the sanction plan. A stop work notice was served upon the person responsible with intimation to the Ekbalpore Police Station. The file is presently being processed under Section 400 (1) of the KMC Act, 1980.

It appears from the submission made on behalf of the parties that on account of the unauthorised construction made at the behest of the petitioners, the Corporation has taken steps to deal with the same.

The instant writ petition is, accordingly, disposed of by directing the concerned officer of the Kolkata Municipal Corporation to conclude the proceeding in accordance with law after giving reasonable opportunity of hearing to all the necessary parties at the earliest and pass a reasoned order and communicate the same to the parties immediately thereafter.

WPO/941/2023 stands disposed of.

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

(AMRITA SINHA, J.)