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ORDER SHEET

WPO No.934 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PRATAP DEBNATH
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 26th April, 2023.

Appearance:
Mr. Raghunath Chakraborty, Adv.
Ms. Tanusree Das, Adv.
Ms. Amrita De, Adv.
... for the Petitioner.

Mr. Srijan Nayek, Adv.
Mr. Dwijadas Chakraborty, Adv.
... for the KMC.

The Court:- The construction made by the petitioner at 17, Motilal Mitra Lane, Ward No.14, Borough-III of the Kolkata Municipal Corporation was found to be unauthorized and stop work notice has been issued.

A notice under Section 401 of the KMC Act, 1980 was served upon the persons responsible for making construction with intimation to the Manicktala Police Station. The construction in question is being made without obtaining any sanction from the Corporation.

The petitioner prays for a direction upon the respondent authorities to initiate proceeding under Section 400(1) of the Kolkata Municipal Corporation Act.

The petitioner relies upon a decision passed by this Court in the matter of Sri Prahlad Singh Jaggi & Ors. Vs. Kolkata Municipal Corporation & Ors. reported in (2017) 4 CAL LT 564 (HC) in support of the submissions that the

authority ought to take prompt steps under Section 400(1) of the Act and decide the dispute.

In the present case, it appears that unauthorized construction has been detected. Concerned officer of the Kolkata Municipal Corporation shall take necessary steps in the matter in accordance with law.

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.)

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