

OD-3

WPO No.997 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

RONOJIT BISWAS
VERSUS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE :
THE HON'BLE JUSTICE AMRITA SINHA
Date : 16th May, 2023.

Appearance:
Mr. Sumitava Chakraborty, Adv.
...for the petitioner.

Mr. Srijan Nayak, Adv.
Mr. Subhrangsu Panda, Adv.
...for the KMC.

The Court :- The petitioner submits that construction was made in accordance with the plan sanctioned by the Kolkata Municipal Corporation. As there were certain deviations, the petitioner applied for regularisation of the same. The prayer of the petitioner stood allowed and the Corporation regularised the portions which were constructed in deviation of the original sanctioned plan. After regularisation, the Corporation issued a completion plan.

The petitioner contends that there are certain errors in the plan and the deviations, which were subsequently regularised, were not indicated in the completion plan.

The petitioner applied for correction of the error in the completion plan. The application of the petitioner not being considered by the authority, the present writ petition has been filed.

A report has been filed by the learned advocate representing the Kolkata Municipal Corporation signed by the Sub-Assistant Engineer [Civil], Assistant

Engineer [Civil] and the Executive Engineer [Civil], Building Department, Borough-X on 13.05.2023. The same mentions that the case records and the site were inspected.

A building plan for construction of G+IV residential building with abutting road width 8.760 m over total area of land 377.833 sq m as per deed was sanctioned at premises no.24/1A, Raipur Mandal Para Road, Ward-99 dated 30.10.2009. During construction the person responsible made some deviations which were subsequently regularised. Completion plan of G+IV storied residential building was issued on 29.12.2011.

After going through the relevant records, the Corporation detected that due to inadvertence certain errors crept up in the completion plan. The said errors will be rectified under the suitable section of the Kolkata Municipal Corporation Act, 1980 read with Kolkata Municipal Corporation Building Rules, 2009.

From the instruction provided by the engineers of the Kolkata Municipal Corporation it appears that the said engineers have admitted that errors have crept up in the completion plan that was issued. The said errors are rectifiable and will be rectified.

In view of the above, the writ petition stands disposed of by directing the respondent no.4 being the Executive Engineer, Building Department, Borough-X to take immediate necessary steps for rectifying the error in the completion plan issued in favour of the petitioner on 29.12.2011. The said respondent shall intimate the petitioner the formalities that are required to be complied with for effecting necessary correction. Steps shall be taken in the matter at the earliest, but positively within a period of eight weeks from the date of communication of this order.

The writ petition 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.)

nm