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ORDER SHEET
WPO No.1150 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SWARUP BHOWMIK
-Versus-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:20th June, 2023.

Appearance:
Mr. Raghunath Chakraborty, Adv.
...for Petitioner.
Mr. Srijan Nayak, Adv.
Mr. Dwijadas Chakraborty, Adv.
...for KMC.

The Court:- Petitioner is aggrieved by the action taken by the Kolkata Municipal Corporation against the unauthorized construction made by the petitioner at premises no.16/1/H/47, Murari Pukur Road, Ward No.14, Borough-III of the Kolkata Municipal Corporation.

Learned advocate appearing on behalf of the petitioner submits that during pendency of the writ petition the men and agents of the Kolkata Municipal Corporation took steps and demolished a portion of the subject structure.

Learned advocate representing the Kolkata Municipal Corporation has obtained instruction from the Executive Engineer (Civil), Building Department, Borough-III of the Kolkata Municipal Corporation signed on 17.05.2023 which mentions that unauthorized construction was detected at the subject premises and stop work notice was issued on 01.02.2023 with the intimation to Manicktala Police Station. The demolition proceeding was initiated under Section 400 of the Kolkata Municipal Corporation Act, 1980 and the file has been forwarded to the higher authority for taking necessary action.

Learned advocate representing the petitioner asserts that despite the writ petition remaining pending, the authority went ahead and demolished a portion of the structure without affording an opportunity of hearing to the petitioner.

The aforesaid fact of demolition is not within the knowledge of the learned advocate representing the Kolkata Municipal Corporation.

It appears from the instruction that the proceeding under Section 400 of the Kolkata Municipal Corporation Act, 1980 has been initiated.

The concerned officer of the Kolkata Municipal Corporation is directed to conclude the proceeding to deal with the unauthorized construction in accordance with law at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

A reasonable opportunity of hearing shall be granted to all the necessary parties prior to a final decision being taken in the matter.

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.)