

OD-3

ORDER SHEET
WPO No.1201 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ANIL KHARWAR
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

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

Appearance:
Mr. R. B. Prasad, Adv.
....for the Petitioner.

Mr. Gopal Chandra Das, Adv.
Mr. Subhangu Panda , Adv.
... for K.M.C.

Mr. Supratik Basu, Adv.
...for Respondent No.12.

The Court:- The matter relates to the premises no.46, Nalini Sett Road, Ward No.22, Borough-IV of the Kolkata Municipal Corporation.

From the report produced before this Court signed by the Sub-Assistant Engineer (Civil)/ Building, Assistant Engineer (Civil)/ Building and the Executive Engineer (Civil)/ Building on 28.06.2023, it appears that a joint inspection was conducted on 27.06.2023 with notice to all the parties.

The petitioner and the private respondent no.12 were present at the time of inspection.

It revealed that the person responsible constructed R.C.C. columns, beam, roof, staircase, brick wall in a portion of the 5th floor along with covering, in the open to sky portion, by R.C.C. slab casting from ground to roof level in deviation or violation of the conditions of the sanctioned plan vide re-construction sanction plan dated 02.02.2023.

On detection of such unauthorized construction stop work notice under Section 401 of the Kolkata Municipal Corporation Act has been served on 27.06.2023 with intimation to the Posta Police Station.

FIR under Section 401A of the Kolkata Municipal Corporation Act has also been lodged. A demolition case file has already been initiated for proceeding under suitable sub section of Section 400 of the Kolkata Municipal Corporation Act, 1980.

From the report placed before this Court today, it is clear that the authority detected unauthorized construction and has taken initial steps for dealing with the same.

The Executive Engineer of the concerned Borough is directed to proceed under suitable sub-Section of Section 400 of the Kolkata Municipal Corporation Act and reach the proceeding to its logical conclusion at the earliest. Necessary opportunity of hearing shall be given to all the necessary parties. Endeavour shall be taken to conclude the proceeding at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The 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.)