

OD-1

ORDER SHEET
WPO No.1373 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

TAJ REALTORS PVT. LTD. & ANR.
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:14th July, 2023.

Appearance:
Mr. Raghunath Chakraborty, Adv.
Ms. Tanusree Das, Adv.
....for the Petitioners.

Mr. Biswajit Mukherjee, Adv.
Mr. Gurudas Mitra, Adv.
... for K.M.C.

The Court:- The petitioner is aggrieved by the demand notice dated 22.06.2023 issued in favour of the petitioner directing payment of certain fees and charges on account of the deviation made at the time of construction at premises no. 7, Nawab Abdul Rahman Street, Ward-62, Borough-VI under jurisdiction of the Kolkata Municipal Corporation.

The petitioner was directed to report within fifteen days whether or not he is willing to deposit the fees. On 27.06.2023 the petitioner submitted a representation before the said authority with a request to provide the break up and the basis on which the realisation of the security deposit has been sought to be made. As there was no response from the end of the Corporation, the instant writ petition has been filed.

Learned advocate representing the Kolkata Municipal Corporation has handed over the calculation according to which the demand has been raised in favour of the petitioner. Copy of the said calculation has been handed over to the learned advocate representing the petitioner in Court today.

From the report filed by the engineer of the Kolkata Municipal Corporation signed on 07.07.2023, it appears that the premises in question was inspected by the department and it was found that unauthorized construction was made by

encroachment of the mandatory open spaces. Notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was issued with intimation to the local Police Station. To prevent further progress of the construction work round-o-clock police posting was also imposed. Demolition sketch proposal along with infringement statement was prepared and approved for processing under Section 400(1) of the Kolkata Municipal Corporation Act, 1980. Fees and charges calculated as per Office Circular no.16 of 2021-22 dated 02.03.2022 for unauthorized construction and demand for 50% fees was issued to the petitioner.

Notice under Section 400 (1) of the Act has been issued for hearing before the Special officer (Building).

From the submissions made on behalf of both the parties and upon perusal of the documents placed in Court today by the Corporation, it appears that the relief sought for by the petitioner has been allowed. Learned advocate for the petitioner has received the break up of the amount directed to be deposited.

In view of the above, there is no requirement of proceeding with the writ petition any further. The same stands disposed of.

In the event the petitioner is aggrieved by the calculation according to which the demand has been raised, it will be open for the petitioner to approach the appropriate forum for remedy.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)