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ORDER SHEET
WPO No.1382 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BIMAL PAUL
-Versus-
THE KOLKATA MUNICIPAL CORPORATION & ORS.

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

Appearance:
Mr. Anindya Bose, Adv.
Mr. Amit Gupta, Adv.
Mr. Diptendu Mondal, Adv.
Mr. Mridul Biswas, Adv.
....for the Petitioner.

Mr. Gopal Chandra Das, Adv.
Mr. Debangshu Mondal, Adv.
... for K.M.C.

The Court:- The matter relates to construction at premises no.8/1A, Ramkrishna Lane, Ward-7, Borough - I under jurisdiction of the Kolkata Municipal Corporation.

The petitioner submits that the construction was being made at the subject premises in accordance with the plan sanctioned by the Kolkata Municipal Corporation.

The petitioner admits that there has been deviation at the time of making construction and certain additional constructions in the form of prayer room and a toilet have been made. The petitioner applied before the Executive Engineer of the concerned Borough seeking regularisation of the constructions made beyond the sanctioned plan.

The Corporation issued a stop work notice directing the stoppage of the construction work at the subject premises as the same was being made in deviation of the sanctioned plan.

At this stage, the petitioner prays for a direction upon the Kolkata Municipal Corporation to regularise the portions constructed beyond the sanctioned plan in terms of the Office Circular no.9 of 2013-14 issued by the Director General (Building) on 30.12.2013.

On a perusal of the application annexed to the writ petition seeking regularisation filed by the petitioner before the Corporation, it appears that the same does not contain the details of the unauthorized constructions and the same is also not in proper form.

Liberty is granted to the petitioner to file a comprehensive representation giving details of all constructions made beyond the sanctioned plan so that the authorities can take proper decision in the matter.

Without going into the merits of the claim of the petitioner, the instant writ petition is disposed of by directing the Executive Engineer (Civil)/ Building Department, Borough-I, respondent no.4 herein to take a decision with regard to the prayer of the petitioner seeking regularisation of the constructions made beyond the sanctioned plan.

Spot inspection may be conducted by the aforesaid respondent to ascertain the nature and extent of the unauthorized constructions and thereafter take steps for dealing with the same in accordance with law.

Decision shall be taken at the earliest but positively within a period of twelve weeks from the date of communication of this order. Reasoned order shall be passed and communicated to the petitioner immediately thereafter.

The petitioner is restrained from making any further construction till a decision is taken by the Executive Engineer upon consideration of his representation.

Writ petition stands disposed of.

Affidavit of service filed in Court today is taken on record.

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

(AMRITA SINHA, J.)