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ORDER SHEET
WPO No.1384 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ANJU ROY

-Versus-

THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date:14th July, 2023.

Appearance:

Mr P. S. Deb Barman, Adv.

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 premises no.15/1A, Laxmi Dutta Lane, Ward-8, Borough -I under jurisdiction of the Kolkata Municipal Corporation.

On detection of the unauthorized construction at the subject premises, the Corporation issued stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 and to deal with such unauthorised construction, proceeding under Section 400(1) is underway before the Special Officer (Building).

Presently, the petitioner seeks for a direction upon the Executive Engineer of the concerned Borough to consider her prayer for installing windows, doors, electrical wiring and for setting up the main gate at the subject premises. The said application was made on 28.04.2023 and the same is pending consideration till date.

Learned advocate representing the Corporation submits that as stop work notice was issued, accordingly, the petitioner cannot be permitted to make any type of construction at this stage.

In response to the submission made by the learned advocate representing the Corporation, learned advocate representing the petitioner submits that for fixing the doors, windows and for making the electrical wiring, no permission is required under the existing Rules of the Corporation.

Without entering into the merits of the claim and counter claim of the parties, as it appears that the Special Officer (Building) is in seisin over the proceeding under Section 400(1) of the Act, accordingly, leave is granted to the petitioner to approach the said authority with her prayer.

In the event the Special Officer (Building) is of the opinion that sanction/permission is required to be obtained from the concerned Executive Engineer, then the Special Officer (Building) shall forward the representation of the petitioner before the Executive Engineer for taking a decision in the matter.

Special Officer (Building) shall endeavour to conclude the proceeding pending before him at the earliest but positively within a period of twelve weeks from the date of communication of this order.

Special Officer (Building), however, shall take a decision with regard to the prayer of the petitioner for fixing up doors and windows and for making electrical wiring at the earliest but positively within a period of four weeks from the date of filing of the representation.

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.)