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ORDER SHEET
WPO No.1431 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAJDA KHATOON
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA
Date:1st September, 2023.

Appearance:
Mr. Raghunath Chakraborty, Adv.
Mr. Supratick Shyamal, Adv.
....for the Petitioner.

Mr. Barin Banerjee, Adv.
Ms. Manisha Nath, Adv.
... for K.M.C.

The Court:- Report filed by the Executive Engineer (Civil), Building Department, Borough-IX of the Kolkata Municipal Corporation be taken on record.

It appears therefrom that joint inspection was conducted at the site on 16th August, 2023 upon notice to the occupiers, owners and person(s) responsible for making construction at premises no. 6, 6A, 6B, 6C, Dent Mission Road. A copy of the notice of spot inspection was pasted on the wall of the premises no. 6B, Dent Mission Road. Sahabuddin Kalim son of the petitioner and one S.K. Kalim guard of 6B, Dent Mission Road were present at the time of spot inspection. None were present from the premises no. 6A or 6C, Dent Mission Road.

Report mentions that none could identify the premises no. 6, Dent Mission Road. The structure of the premises no. 6B, Dent Mission Road tallies with the demolition sketch of the concerned Executive Engineer in a proceeding under Section 400(1) of the Kolkata Municipal Corporation Act, 1980.

Department has come to a conclusion that the proceeding under Section 400(1) was initiated against the structure at premises no. 6B, Dent Mission Road.

It appears from the documents annexed to the writ petition that the same mentions about the premises no. 6, Dent Mission Road. Presently, the report of the Executive Engineer mentions that the proceeding was in respect of the premises no. 6B, Dent Mission Road.

As there was confusion with regard to proper identification of the subject premises, accordingly, let fresh opportunity of hearing be given to the owners/occupiers/person(s) responsible for making construction at premises no. 6B, Dent Mission Road.

The Executive Engineer of the concerned Borough is directed to forward copy of the documents in connection with the proceeding under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 to the petitioner who claims to be the owner of the premises no. 6B, Dent Mission Road.

Proceeding shall be conducted in accordance with law and be concluded at the earliest, but positively within a period of twelve weeks from the date of communication of this order. In the event unauthorized construction is detected then necessary steps shall be taken to deal with the same in accordance with law.

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.)