

ORDER SHEET
WPO No.1464 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KOUSHIK DAW & ORS.

-Versus-

THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : 7th August, 2023.

Appearance:
Mr. Sakya Sen, Adv.
Ms. Sormi Dutta, Adv.
..for Petitioners.

Mr. Alak Kumar Ghosh, Adv.
Mrs. Sima Chakraborty, Adv.
...for KMC.

The Court:- The petitioners being neighbours of premises No.24A, Vivekananda Road, Kolkata-700007 allege that illegal and unauthorized construction has been done by the respondent no.5 at the subject premises which is a heritage structure. The petitioners rely upon the graded list of heritage buildings published by the Kolkata Municipal Corporation in support of the submission that the premises no.24A, Vivekananda Road, Kolkata-700007 is graded as Grade-I, heritage building. The petitioners allege that the private respondent raised construction by covering the open courtyard without obtaining any sanction from the Corporation.

An objection was lodged before the Kolkata Municipal Corporation.

The petitioners allege that the same is yet to be taken up for consideration.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instruction that, on receipt of the complaint, inspection was sought to be made. As the premises was under lock and key, accordingly, spot inspection could not be conducted. Photographs were taken from the adjacent premises which reveal that the unauthorized construction was made but notice could not be served upon the persons responsible for making construction as none was available at the subject premises.

Learned advocate for the petitioners submits that the private respondent resides at the adjacent premises being 20A, Vivekananda Road, Kolkata-700007 and the illegal construction was made at 24A, Vivekananda Road, Kolkata-700007 at the behest of the private respondent.

The Kolkata Municipal Corporation is directed to take necessary steps to consider the objection filed on behalf of the petitioners to deal with the unauthorized construction in accordance with law at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The Executive Engineer shall conduct a spot inspection upon prior notice to all the necessary parties to ascertain the extent and nature of the unauthorized construction. Spot inspection report shall be circulated amongst the parties and thereafter an opportunity of hearing be given to them.

A reasoned order shall be passed by the aforesaid respondent and communicated to the parties immediately thereafter.

Learned advocate for the petitioner is directed to forward a copy of the representation dated 01.11.2022 to the above respondent.

If any unauthorized construction is detected, necessary steps shall be taken for dealing with the same. If the private respondent is not readily available, then a notice of spot inspection and hearing shall be affixed at the subject premises at 24A, Vivekananda Road, Kolkata-700007 so that everybody gets knowledge of the proceeding and nobody may deal with the subject structure during pendency of the writ petition.

The writ petition stands disposed of.

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

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)