

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction
ORIGINAL SIDE

CC/39/2022

WITH WPO/137/2020

GAYATRI GUPTA
VS
KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 24th March, 2023.

Appearance:
Mr. H.R. Singh, Adv.
Mr. Mahesh Joshi, Adv.
Mr. Sandeep Joshi, Adv.
Ms. Shilpa Das, Adv.
...for the petitioner

Mr. Ranjit Chatterjee, Adv.
Ms. Paushali Banerjee, Adv.
...for the KMC

The Court:- A joint inspection report has been filed by the Executive Engineer (Civil)/Bldg./Br.-IV&V and the Assistant Engineer (Civil)/Bldg., which is taken on record.

It appears that a joint inspection was held in respect of Premises No.7, Banshidar Mullick Lane, Kolkata, in presence of the petitioners, the person responsible for the alleged construction and other adjacent owners. It was found that the unauthorized construction had been mostly demolished and was in an uninhabitable condition.

The petitioner informed the authorities that if further unauthorized construction is not made at the said premises, her grievance would be

redressed. The petitioner required an undertaking in this regard from the private respondent. At present, no demolition process is pending. The remaining portion, if demolished, would cause damage to the adjacent buildings.

The KMC has already assured the petitioner that if any further construction is made in future, strong action shall be taken against the person responsible. The undertaking would be furnished by the person responsible as per the requirement of the petitioner. The matter has been resolved. Thus, nothing further remains to be decided in this proceeding.

The contempt application is disposed of and contempt proceedings are dropped.

The KMC shall ensure that no unauthorized construction takes place in the premises, hence forth.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)