

OD-6

ORDER SHEET

WPO No.1542 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ASHOK KUMAR SHARMA

-Versus-

THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:31st August, 2023.

Appearance:
Ms. Debapriya Gupta, Adv.
Ms. Sucharita Biswas, Adv.
...for the Petitioner.

Mr. Subhrangsu Panda, Adv.
Ms. Ina Bhattacharyya, Adv.
...for KMC.

The Court:-The petitioner alleges illegal and unauthorized construction at premises no. B/14/H/4, Bindu Basini Street, Ward No.78, Borough-IX of the Kolkata Municipal Corporation.

The petitioner relies upon a communication made by the Executive Engineer (Civil) & SPIO of the Building Department, Borough-IX of the Kolkata Municipal Corporation dated 10.04.2023 in support of the submission that the owner of the subject premises has constructed extra work beyond the sanctioned plan.

The petitioner seeks demolition of the extra work that has been constructed beyond the sanctioned plan.

There is no proof of service of the writ petition upon the private respondent.

Learned advocate representing the Corporation is yet to receive instruction in the matter.

As it appears that the petitioner is yet to lodge any complaint before the concerned authority seeking demolition of the extra work constructed by the owner of the subject premises in deviation of the sanctioned plan,

accordingly, it will be open for the petitioner to file appropriate objection highlighting the unauthorized construction allegedly constructed by the owner of the subject premises.

On receipt of the said objection, the concerned officer of the Corporation shall take necessary steps to consider and dispose of the same in accordance with law after giving reasonable opportunity of hearing to all the necessary parties by passing a reasoned order and communicating the same to all the parties.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of receipt of the complaint.

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.)

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