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ORDER SHEET
WPO No.1551 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KSHITI MOHAN MONDAL
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:30th August, 2023.

Appearance:
Mr. P.S. Deb Barman, Adv.
Mr. Amit Gupta, Adv.
...for the Petitioner.

Mr. Alak Kr. Ghosh, Adv.
Mr. Atis Kumar Biswas, Adv.
... for the K.M.C.

The Court:-The matter relates to the premises no. 280, Diamond Harbour Road under Ward No.123.

The petitioner complains that the Corporation conducted demolition work of the structure which was constructed in accordance with the sanctioned building plan. The petitioner submits that there might have been some minor deviation but prior to demolishing the structure, an opportunity of hearing ought to have been given to the petitioner. The demolition work was conducted without initiating any proceeding whatsoever.

Learned advocate representing the Corporation produces the infringement statement. It appears therefrom that the open spaces on all four sides, floor area ratio, ground coverage, number of car parking spaces have been infringed at the time of making construction. The total area of unauthorised construction is 519.127 sq. meter and the area of change of use is 51.271 sq. meter.

It has been submitted that steps have been taken in the matter under Section 400(8) of the Kolkata Municipal Corporation Act, 1980 which does not require granting prior opportunity of hearing to the person responsible for making construction.

The Executive Engineer of the concerned Borough is directed to immediately forward to the petitioner the documents relating to the proceeding pursuant to which the alleged unauthorised construction has been demolished.

It will be open for the petitioner to take steps in accordance with law to challenge the action of the Corporation before the appropriate forum.

Writ petition stands disposed of.

Infringement statement 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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