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ORDER SHEET
WPO No.1617 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

HEMANT BANGUR
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 12th October, 2023.

Appearance:
Mr. Shubhashis Sengupta, Adv.
Mr. Ashis Kumar Mukherjee, Adv.
Mr. Sourajit Dasgupta, Adv.
...for Petitioner.

Mr. Alak Kr. Ghosh, Adv.
Mr. Fazlul Haque, Adv.
... for K.M.C.

Mr. Ajay Chaubey, Adv.
Ms. Anamika Pandey, Adv.
...for Respondent nos. 9 & 10.

The Court:-A report has been placed before this Court by the Executive Engineer (Civil), Assistant Engineer (Civil) and the Executive Engineer (Civil), Building Department/Borough-IX of the Kolkata Municipal Corporation signed on 10.10.2023 in connection with the construction made at 12, Janki Shah Road, Ward No.-75 Borough-IX.

The petitioner claims to be the adjacent owner of the subject premises. The petitioner alleges that the construction is being made unauthorizedly without obtaining sanctioned plan and necessary permission from the military authority.

Report filed by the engineers of the Corporation mentions that the Engineering Department of the Corporation after preparation of the building plan proceeded to start construction on a plot of land belonging to the Corporation situated within the Hastings area.

Permission was required to be obtained from the military authority for making construction at the same place. Due to inadvertence, that has not been obtained. The building plan has now been placed before the Building Department for grant of formal approval and application has also been submitted to the local military authority to obtain the grant of permission to raise construction at the said premises.

The engineers have reported that till formal permission is obtained from the local military authority and formal approval/sanction of the building plan, no further construction will be made.

In view of the statement forwarded in the report, it is expected that the Corporation will not proceed with the construction work till a regular sanction is granted by the Building Department of the Corporation and without obtaining prior written consent from the military authority to raise construction.

The 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.)

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