

OD-6

ORDER SHEET
WPO/1809/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

ASLAM KADER
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 5th December, 2023.

Appearance:
Mr. M. Ahmed, Adv.
Ms. A. De, Adv.
. . .for the petitioner.

Mr. Fazul Haque, Adv.
Mr. Atis Kumar Biswas, Adv.
. . .for the K.M.C.

The Court: The grievance of the petitioner is that the Corporation is yet to pass final order in the proceeding initiated for dealing with the unauthorized construction alleged by the petitioner in respect of the premises no. 60, S.N. Chatterjee Road, Ward No.119, Borough XIII of the Corporation.

Learned advocate representing the Kolkata Municipal Corporation submits, upon instruction that, the matter was heard by the Special Officer (Building) on 27th April, 2023 when the person responsible for making construction was present but the complainant remained absent. The Special Officer (Building) passed order for retention of the unauthorized construction subject to payment of

fees under Section 400(1). The demolition sketch has been made part and parcel of the order.

It appears from the submission made on behalf of the parties that the petitioner has not been made aware of the order passed by the Special Officer (Building) on 22nd of June, 2023.

As the demolition proceeding has already been concluded and as none has challenged the final conclusion arrived at by the Special Officer (Building), accordingly, there is no requirement of passing any order in the matter save and except directing the Executive Engineer (Building) to forward a copy of the order of the Special Officer (Building) to the petitioner.

The order of the Special Officer (Building) mentions that any person aggrieved by the said order may prefer appeal before the Municipal Building Tribunal.

The petitioner, if aggrieved by the order of the Special Officer (Building), may initiate appropriate proceeding in accordance with law and if so advised.

The writ petition stands disposed of.

The Departmental report forwarded by the engineers of the Corporation be retained with the records.

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

(AMRITA SINHA, J.)

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