

OD-2

ORDER SHEET
WPO No.1844 of 2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SANDIP BOSU
VS.
STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:14th December, 2023.

Appearance:
Mr. Sumitava Chakraborty, Adv.
Mr. Abhishek Mukherjee, Adv.
... for the Petitioner.

Mr. Rudranil De, Adv.
Mr. Atish Kr. Biswas, Adv.
... for KMC.

Mr. Debjit Mukherjee, Adv.
Ms. Kalpita Paul, Adv.
..for State.

The Court:-Learned advocate for the petitioner submits that a plan proposal for the additional floor that was constructed is lying with the Corporation for consideration since February, 2023. The Corporation instead of considering and disposing of the plan proposal is continuing with the proceeding to deal with the unauthorized construction.

Learned advocate representing the Corporation relies upon the report signed by three engineers of the Corporation on 13.12.2023.

It appears therefrom that the premises at 46/1A/1, B. T. Road, Ward No.2, Borough-I of the Corporation was inspected by the department and on detection of unauthorized construction stop work notice was issued with intimation to Cossipore Police Station. Subsequently, FIR under Section 401A of the Kolkata Municipal Corporation Act, 1980 was lodged as work was in progress defying the stop work notice. Area of unauthorized coverage is 107.597 sq. meter approximately.

This is a case of construction of additional floor without valid sanction plan. The case file along with demolition sketch and infringement statement has been placed before the higher authority for further order. Let the instruction be retained with the records.

The Municipal Commissioner, Kolkata Municipal Corporation is directed to consider the representation filed by the petitioner on 24.02.2023 in accordance with law.

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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