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WPO 3140 of 2022
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

CHIRADEEP BHATTACHARYA
VERSUS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble Justice RAJASEKHAR MANTHA

Date : 3rd January, 2023.

APPEARANCE:

Mr. Uday Sankar Chattopadhyay,Adv.

Mr. Debdipto Banerjee,Adv.

Ms. Rajashree Tab,Adv.

...for the petitioner.

Mr. Manoj Malhotra,Adv.

Mr. Sagnik Chatterjee,Adv.

...for the State.

The Court :- The petitioner complains of over action by the Shakespeare Sarani Police Station. The petitioner is a promoter. He has constructed a building with sanctioned plan at 7B, Short Street, Kolkata – 700017, Police Station – Shakespeare Sarani under Ward No. 63 of Kolkata Municipal Corporation.

The Kolkata Municipal Corporation upon inspection found that there was unauthorized construction in the form of car parking space on the ground floor of an existing building having G+6 storeyed building covered by a brick wall without sanction.

Consequently, notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was issued, staying further construction and the Shakespeare Sarani Police Station was requested to enforce the same.

No such notice appears to have been served on the petitioner as submitted by Counsel.

However, since the notice received by the Shakespeare Sarani Police Station dated 22nd July, 2022 has been produced, a copy of the same is handed over to the Counsel for the petitioner. The Shakespeare Sarani Police Station shall ensure that there is absolutely no construction whatsoever made by the petitioner unless there is clearance from the Municipal Corporation and the proceedings under Section 401 are closed in accordance with law.

The instruction of the Shakespeare Sarani Police Station dated 6th December, 2022 is kept with the record.

In so far as the complaint by one co-owner of the property is concerned, it appears to this Court that the same is at a best civil dispute, raised before a Civil Court.

The Shakespeare Sarani Police Station shall, however, strictly enforce only the notice of the Kolkata Municipal Corporation under Section 401.

WPO 3140/2022 is disposed of.

(RAJASEKHAR MANTHA, J.)