

WPA 5026 of 2024**With****CAN 1 of 2024****Arnab Kundu & Ors.****Vs.****The Kolkata Municipal Corporation & Ors.**

Mr. Abhimanyu Banerjee,
Mr. Anirban Basak

...for the Petitioner

Mr. Biswajit Mukherjee,
Mrs. Sima Chakraborty

...for KMC

Mr. Rwitendra Banerjee,
Mr. Aritra Roychowdhury

...for Private Respondents

Mr. Sandip Mandal

...for the State

In Re : CAN 1/2024

This is an application for restoration. Having regard to the averments made in paragraph no. 3 of this application, I am of the view that the petitioner has sufficiently explained the reason for his non-appearance on May 1, 2024.

Accordingly, **CAN 1/2024** is allowed and this writ petition is restored to its original file and number.

In Re.: WPA 5026 of 2024

The petitioners allege unauthorized construction at the behest of respondent no. 8 at premises no. 12A, Raj Chandra Sen Lane, P.S. – Muchipara, Kolkata – 700 009, within Ward No. 49, Borough V, under the Kolkata Municipal Corporation.

It is undisputed that respondent no. 8 obtained a sanctioned plan from the Kolkata Municipal Corporation under Rules 3(2)(a), 3(2)(e), and 3(2)(i) of the Kolkata Municipal Corporation Building Rules, 2009, as well as under Section 410 of the Kolkata Municipal Corporation Act, 1980, for the reconstruction of the building located at the aforementioned premises.

The petitioners contend that respondent no. 8 has violated the conditions of the sanctioned plan by initiating new construction that exceeds the scope of the approved plans.

Initially, the Corporation issued a notice under Section 400(1) of the Kolkata Municipal Corporation Act, 1980; however, this notice was subsequently withdrawn on March 23, 2024. It appears that a stop work notice was reissued on June 13, 2024, and the Corporation is contemplating the initiation of further proceedings under Section 400(1) or Section 400(8) of the Kolkata Municipal Corporation Act, 1980.

Furthermore, the Corporation has lodged an FIR under Section 401A of the Kolkata Municipal Corporation Act, 1980, against the individuals responsible for the unauthorized construction on July 26, 2024.

In light of these developments, I do not find any reason to keep this writ petition pending. Accordingly,

this writ petition is disposed of with a directive to the Kolkata Municipal Corporation to conclude the proceedings within four months from the date of communication of this order, providing due opportunity for a hearing to respondent no. 8, and to pass necessary orders in accordance with the law.

Accordingly, **WPA 5026 of 2024** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)