

26-02-2024
Item No.62
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.9311 of 2023
Sri Rajendra Agarwal alias Rajendra Kumar Agarwal
-vs-
The Kolkata Municipal Corporation & Ors.

Mr. Debabrata Ray ...for the petitioner

Mr. Ansar Mondal
Mr. Khairul Alam
Ms. Somashree Dey ...for the State

Ms. Sima Chakraborty
Mr. Abhishek Sikdar ...for the Corporation

Mr. Sandip Ganguly
Mr. Koushik Bhattacharya ...for respondent no.6

The petitioner complains of illegal and unauthorised construction at the behest of the private respondents. The complaint lodged before the Kolkata Municipal Corporation is alleged to be kept pending.

Learned advocate representing the private respondent no.6 denies the allegation cast upon him. It has been submitted that the petitioner is responsible for carrying on illegal business from the subject premises being no.63B, Raja Rammohan Roy Sarani, Ward No.38, Borough-IV, under the Kolkata Municipal Corporation.

Learned advocate representing the Corporation relies upon a report prepared by three engineers of the Corporation on May 12, 2023 which mentions that a departmental inspection was caused, and that the person responsible constructed a tin shed covering by an aluminum frame-cum-window at a portion of the roof

without sanction. A stop-work notice was issued by the concerned department with intimation to the local police station on May 11, 2023. It also reveals that the demolition case is being processed under provision of section 400 of the Kolkata Municipal Corporation Act, 1980.

As it appears that the Corporation has already detected unauthorised construction, accordingly, steps shall be taken to deal with the same in accordance with law at the earliest, but positively within twelve weeks from the date of communication of this order.

The writ petition is thus disposed of.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

