

17.05.2024

Sl. No. 10

Court no.30

BM

WPA 13282 of 2023

Sri Debabrata Sen

vs.

The Kolkata Municipal Corporation & Ors.

Mr. Arun Kumar Das

... for the petitioner

Mr. Alok Kumar Ghosh

Mr. Dwijadas Chakraborty

... for the K.M.C

Mr. Wasim Ahmed

... for the respondent no.5

Heard learned counsel for the petitioner and the learned counsel appearing for the Municipal Corporation and the private respondents.

From the report dated 09.05.2024 filed by the Kolkata Municipal Corporation, it appears that the authorities have submitted the following report :

“Now after receiving the order copy passed by the Hon’ble Justice Sampa Dutt(Paul) dated 03/05/2024 departmental inspection caused at site and during inspection it was found the interior decoration work was going on. But it is also revealed that person responsible has covered the void portion at the rear side of the premises by R.C.C slab at third floor level in deviation from the sanction plan vide no.02/Br.-V/2-21-22 dated 23.04.2021. As such this department

served another stop work notice under Section 401 KMC Act, 1980 upon the person responsible and police intimation was also served to the local Police Station on 04/05/2024. Now the file is processing under Section 400 of KMC Act, 1980.

*Sd/-
S.A.E.(C)*

*Sd/-
A.E(C)/Bldg.*

*Sd/-
Ex.Engr.(C)/Bldg./Br.IV&V"*

It thus appears that the private respondent herein have covered the void portion at the rear side of the premises by RCC slab at third floor level in deviation from the sanction plan vide No.02/Br.V/2021/22.

The department has served a stop work notice under Section 401A of the KMC Act, 1980.

Learned counsel for the petitioner submits that said process for demolition has not been carried out.

It is submitted by the learned counsel for the private respondent that even if the Corporation has termed the said construction as illegal, the respondent does not think that the same is illegal.

Considering that, the Kolkata Municipal Corporation is the authority in this matter, the Kolkata Municipal Corporation is thus directed to proceed in accordance with law in respect of the said deviation as stated in their report dated 09.05.2024 and dispose of the matter within a period of twelve weeks.

The writ petition is accordingly, disposed of.

Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)