

Sl. Nos.3&4
04.11.2024
Suman
Ct. 15

WPA 18022 of 2024

Avik Banerjee
Vs.
The State of West Bengal and Ors.

With
WPA 24947 of 2024

Gautam Saha
Vs.
The Kolkata Municipal Corporation and Ors.

Mr. Prabal Kumar Mukherjee
Mr. Saunak Bhattacharya
..for the petitioner in WPA 18022 of 2024

Mr. Srijan Nayak
Ms. Rituparna Maitra
..for KMC in WPA 18022 of 2024

Mr. Subhajit Roy
..for the private respondent in WPA 18022 of
2024

Mr. Subhajit Roy
..for the petitioner in WPA 24947 of 2024

Mr. Tapan Coomaar Dey
Ms. Sabnam De
..for KMC in WPA 24947 of 2024

Let the report filed by the Corporation in WPA
18022 of 2024 be kept with the records.

In view of the shared facts, both these writ
petitions are taken up for hearing together.

By filing WPA 18022 of 2024, the petitioner has
alleged unauthorised construction at premises no. 719A,

Baghajatin Station Road, SPD Block, Ward No.101, Borough-XII under Kolkata Municipal Corporation at the behest of respondent no.5. The Kolkata Municipal Corporation has filed a report. The report suggests that after receiving complaint from the petitioner regarding the unauthorised construction, the Corporation caused an inspection and found an existing two storeyed building with a newly constructed “G.I. roof shed” over the said two storeyed building. The report of the Corporation further suggests that there has been no sanctioned plan available regarding the newly constructed “G.I. roof shed.”

The Corporation has issued a stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980, on October 28, 2024.

WPA 24947 of 2024 has been filed by respondent no.5 in WPA 18022 of 2024 challenging the aforesaid stop work notice issued by the Corporation.

I am of the view that since the Corporation has already initiated a proceeding, there is no need to keep these two writ petitions pending.

Accordingly, I dispose of the aforesaid two writ petitions with a direction upon the Kolkata Municipal Corporation to take necessary steps in accordance with law with regard to the aforesaid “G.I. roof shed” construction after giving an opportunity of hearing to the petitioner as well as respondent no.5.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

Accordingly, **WPA 18022 of 2024** and **WPA 24947 of 2024** are disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)