

12.06.2024
Sl. No.ML 19
Suman
Ct.No.15

WPA 19036 of 2022

Nikita Kumari
Vs.
Department of Urban Development and Municipal
Affairs and Ors.

Mr. Sandipan Das
Mr. Ankur Sharma
Mr. Sk. Wasim Raja
Ms. Suparna Dutta
..for the petitioner

Mr. Srikanta Paul
Ms. Ankita Chowdhury
..for private respondent no.8

Mr. Jayanta Narayan Mahanty
Ms. Pratiti Das
..for the Municipality

Mr. Sudipta Panda
Mr. Subrata Ghosh
..for the State

It is the case of the petitioner that he is the owner of a residential building at D5-58/46, Rabindra Nagar Bye Lane, Kolkata-700018.

The petitioner submits that the owner of the neighbouring house, respondent no.8 without any sanctioned plan from the Municipality, has raised a boundary blocking the ventilators and windows of the house of the petitioner.

The petitioner prays for demolition of the unauthorised construction.

It appears that Maheshtala Municipality issued two “stop work” notices dated February 17, 2022 and April 8, 2022 to respondent no.8.

The petitioner alleges that despite the “stop work” notices, respondent no.8 continued with the construction work.

In view of the aforesaid facts, I dispose of this writ petition giving a direction upon Maheshtala Municipality, respondent no.3 to take necessary steps in accordance with law following the “stop work” notices dated February 17, 2022 and April 8, 2022. The Municipality shall ensure demolition of the unauthorised construction, if any, standing in the relevant premises in accordance with law within a period of two months from the date of communication of this order. Before passing any order, the municipality shall hear the petitioner and the respondent no.8.

(Kausik Chanda, J.)