

Item No.20

28.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 18925 of 2023
Sri Sukumar Barman

v.

The State of West Bengal & Ors.

Mr. Anujit Mukherjee
Mr. Amit Kumar Ghosh
... for the petitioner.

Mir. Md. Hasanuzzaman
Ms. Sangeeta Singh
... for respondent no. 11.

Mr. Atish Kumar Biswas
Mr. Debangana Dey Nayak
... for KMC.

Mr. Abhijit Sarkar
Mr. Soumik Dey
... for the State.

The petitioner complains of illegal and unauthorized construction at premises no. 16B, Bose Pukur Road in Ward No. 67, Borough-VII of the Kolkata Municipal Corporation.

Allegation is that construction is being made at the behest of the private respondent nos. 8, 9 & 10 who are the co-owners of the subject property. The property in question is a joint property and there is no demarcation of the shares of the parties.

Complaint lodged against such unauthorized construction is pending consideration till date.

Learned advocate representing the respondent no. 11 submits that the said respondent is no way connected with the construction in question.

None represents the respondent nos. 8, 9 & 10.

Affidavit-of-service filed in Court today is taken on record.

Learned advocate representing the Corporation relies upon the instruction forwarded by the engineers of the Corporation which mention that departmental inspection revealed that the person responsible constructed two storied RCC structure and wooden shuttering without any sanctioned plan.

Notice to stop construction work was issued in September 2023 with intimation to the local police station. The matter is being processed under Section 400 and the date of hearing was scheduled on February 1, 2024. It has been submitted that none of the parties appeared at the time of hearing.

As it appears that the Corporation has detected unauthorized construction, accordingly, the writ petition is disposed of by directing the respondent no. 5 to deal with the same in accordance with law at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

Instruction forwarded by the engineers of the Corporation signed on January 18, 2024 be retained with the records.

The Officer-in-Charge, Kasba Police Station is directed to keep strict vigil over the property to ensure that construction in any manner whatsoever is not

carried out at the subject premise till the matter is decided by the Kolkata Municipal Corporation.

The private respondents are restrained from transferring/selling /alienating or creating any third party interest in respect of the structure that has been detected to be an unauthorized one.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

Sh

(Amrita Sinha, J.)