

29.08.2024
Item No.41
PG/KS
Ct. No.1

W.P.A.(P) 338 of 2024

Biswajit Das & Anr.

Versus

The Kolkata Municipal Corporation & Ors.

Mr. Shyamal Chakraborty
Mr. Debasis Mitra
Mr. Pronajit Roy
Mr. Arka Mahalanabis
Ms. Priya Chakraborty
Mr. Debajyoti Mondal.....for the petitioners

Mr. Sk. Md. Galib
Ms. Sujata Mukherjee.....for the State

Mr. Raghunath Chakraborty
Mr. M. Ahmed
Mr. Subrata Mondal.....for the private respondents

1. The petitioners have filed this writ petition alleging that there is rampant unauthorised construction committed by the private respondents. The list of the premises have been mentioned in paragraphs 4 and 5 of the writ petition.
2. Except respondent no. 8, others have been served. Mr. Raghunath Chakraborty, learned advocate appears for some of the private respondents. The learned Government counsel has submitted a report of the Officer-in-Charge, Lake Police Station, Kolkata dated 22nd August, 2024 stating that on some of the private respondents, notices under section 401 of the Kolkata Municipal Corporation Act have been served. There is also another report filed by Officer-in-Charge, Jadavpur

Police Station dated 21st August, 2024 to the same effect.

3. Learned advocate appearing for the private respondents submitted that on receipt of the notices under section 401 of the Kolkata Municipal Corporation Act, inquiry has been commenced.
4. Learned Government counsel submitted that the construction has been stopped.
5. Let the authorities of the Kolkata Municipal Corporation proceed further pursuant to the notices issued and take the matter to the logical conclusion and if it is found that unauthorised construction has been made, the same shall be demolished. The notices, which have already been issued, shall be adjudicated by the Special Officer, Buildings of the Kolkata Municipal Corporation.
6. With the aforesaid directions, the writ petition is disposed of.
7. No costs.
8. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)