

15-04-2024
Item No.23
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.20568 of 2022
Md. Shahjahan
-vs-
Kolkata Municipal Corporation & Ors.

Mr. Sourav Chatterjee ...for the petitioner

Mr. Jahar Dutta
Mr. Bipin Ghosh ...for the State

Mr. Tapan Coomaar Dey
Ms. Manisha Nath ...for the Corporation

Mr. Manas Kumar Das ...for respondent no.6

Perused the report filed by the Executive Engineer (Civil), Building Department, Borough-IX, Kolkata Municipal Corporation signed on April 8, 2024 which is taken on record.

It appears therefrom that a plan was sanctioned for construction of residential building at the premises no.40, Dent Mission Road, Ekbalpur, Borough-IX, Kolkata Municipal Corporation in May 2022. Departmental inspection revealed that the building is slightly deviated from the sanctioned plan. Stop-work notice has been issued with intimation to the Ekbalpore police station and the file has been processed under section 400 of the Kolkata Municipal Corporation Act, 1980.

Specific allegation of the petitioner is that construction is made without maintaining the mandatory side open spaces.

As it appears that unauthorised construction has been detected, accordingly, the Executive Engineer (Civil), Building Department, Borough-IX, Kolkata Municipal Corporation is directed to take prompt necessary steps to deal with such unauthorised construction in accordance with law at the earliest, but positively within a period of sixteen weeks from the date of communication of this order.

The officer-in-charge of Ekbalpore police station shall keep strict vigil over the subject property to ensure that further construction in any manner whatsoever is not carried out at the subject premises till the matter is finally decided by the Corporation.

The writ petition is disposed of accordingly.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

