

ML 183
15.05.2024
d.p.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

W.P.A. 20859 of 2022

**Niranjan Roy
-versus
The State of West Bengal & Ors.**

**Mr. Baidurya Ghosal,
Ms. Aatreyee Dutta,
Mr. Saikat Mukherjee,
Mr. Sourav Mukherjee.
...For the Petitioner.**

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

None appears on behalf of the respondents.

The petitioner claims to be the owner of premises no. T57/7H, B.T. Road. The Corporation issued a show cause notice under Section 400(1) of the Kolkata Municipal Corporation Act, 1980 on 17th August, 2022 directing the persons responsible, Mona Das, Md. Imran, Md. Irfan & others to show cause in respect of the construction work made at the subject premises without any sanction building permit from the Corporation.

The petitioner submits that he is the owner of the subject property. He purchased the same upon payment of valuable consideration in the year 1990.

The petitioner further submits that the Corporation ought not to have issued notice in respect of the subject premises in the name of the aforesaid persons.

From the documents annexed to the writ petition, it appears that in the records maintained by the Corporation the name of the owner in respect of the subject property is recorded as the State of West Bengal represented by the Collector, Thika Tenancy and Sri Gopal Chandra Das is the perpetual lessee.

The petitioner has not been able to produce any document to show that his name is recorded in the records maintained by the Kolkata Municipal Corporation. The Corporation issued notice in respect of the persons who have been found to be responsible for making unauthorized construction.

The Court does not find any error with the same.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)