

Item No.07

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

02.01.2024
Ct-24
AGM

WPA 23059 of 2023
Ashis Kumar Bhowmik

v.

The Kolkata Municipal Corporation & Ors.

Mr. Sakabda Roy
Mr. Anindaya Halder

... for the petitioner.

Mr. Avra Mazumdar
Mr. Nilanjan Bhattacharya
Ms. Elina Dey

... for the Respondent nos. 8 to 10.

Mr. Biswajit Mukheerjee
Ms. Piyali Sengupta

... For the KMC.

Mr. Deepnath Roy Chowdhury
Mr. Tapas Ballav Mondal

... For the State.

Report filed by the engineers of the Corporation after inspection of the subject property is taken on record. It appears therefrom that the engineers of the Corporation at the time of inspection detected a wooden staircase from the first floor to the second floor.

The petitioner asserts that the first floor and the second floor of the subject premises are two different separate units and there was no staircase from the first to the second floor of the building.

Learned advocate representing the private respondents submits, upon instruction that, the plan sanctioned by the Corporation clearly specifies and indicates the staircase from the first to the second floor of the subject premises.

The Executive Engineer of the Borough is directed to peruse the sanctioned plan and to ascertain as to whether the Corporation sanctioned the staircase from the first to the second floor. The Executive Engineer shall intimate the parties with regard to the existence of the staircase in the sanctioned plan.

If it appears that the sanctioned plan does not mention about the staircase from room no. 1B of the first floor to room no. 2B of the second floor, then it has to be taken that the staircase is an unauthorised construction and thereafter necessary consequential steps to take to deal with the same shall be undertaken.

If it is found that the sanctioned plan issued by the Corporation mentions about the internal staircase between the room No. 1B and 2B, then the complaint of the petitioner may not be proceeded any further by the Corporation. In that case it will be open for the petitioner to approach the competent Civil Court for necessary relief.

The engineer of the Corporation shall intimate the same to the parties positively by four weeks from the date of communication of this order.

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.

(Amrita Sinha, J.)