

20
16.01.2024
s.h.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

W.P.A.23479 of 2023
Siddheswar Sarkar
-versus
South Dum Dum Municipality & Ors.

Mr. Siddheswar Sarkar
... Petitioner in person.

Mr. Pawan Kumar Gupta
Mr. Manish Shukla
Ms. Sofia Nesar
Mr. Santanu Seth
Mr. Abhijit Bose
... for the respondent nos. 5 & 6.

Mr. Amales Ray
Mr. Ishan Bhattacharya
... for the Municipality.

The report of the Sub-Assistant Engineer of the Municipality mentions the deviations made by the private respondent at the time of making construction. The report also mentions about certain projected balcony of the petitioner.

The petitioner submits that the projected balcony was constructed in the year 1970 and is in place since then without objection from any person whatsoever.

As the construction of the private respondent is a new one, accordingly, the private respondent ought to remove the deviation as has been pointed out by the Sub-Assistant Engineer in the report placed before this Court.

The private respondent shall take steps in the matter at the earliest but positively within a period of twelve weeks from date.

In the event, the private respondent fails and or neglects to remove the deviations as pointed out by the Municipality, it will be open for the Municipality to take necessary steps to remove the deviation and recover the costs of the same from the private respondent.

The Municipality is, however, restrained from taking any step against the projected balcony of the petitioner as the same is in existence for nearly 50 years.

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.)