

18.11.2024
Item No.09
Ct. No.15
suman.

WPA 25012 of 2024

Krishna Chakravarty

-vs-

Kolkata Municipal Corporation & Ors.

Mr. Raghunath Chakraborty

Ms. Mohona Das

...for the petitioner

Mr. Srijan Nayak

Mr. Subhrangsu Panda

...for Kolkata Municipal Corporation

Mr. Jayanta Samanta

Mr. Sougata Mitra

Mr. N. Gupta

..for the State

On October 5, 2024, this Court passed the following order.

“Prima facie, this Court is of the opinion that the nature of repair work undertaken by the petitioner falls within the scope of Rule 3(2) of Kolkata Municipal Corporation Building Rules, 2009.

Mr. Panda, learned advocate appearing for Kolkata Municipal Corporation vehemently opposes the prayer of this writ petition.

In that view of the matter, the stop-work notice issued by the Corporation dated September 4, 2024, is stayed for a period of eight weeks from date.

List this matter one week after the upcoming Puja Vacation under the heading “To Be Mentioned”, when the Corporation shall file its report in response to the allegation made in this writ petition.”

The relevant part of the report is quoted below:-

“After receiving a complaint, this department inspected the above mentioned premises and it was found that the person responsible constructed some brick work at the entry gate of the existing garage portion along with some renovation works. The said person responsible could not produce any valid document in support of this work.

Accordingly, a Stop Work Notice U/S 401 of the KMC Act, 1980 was issued on 04/09/2024 and P.I. sent to the Tollygunge Police Station on 07/09/2024. Recently, the department inspected the site and found that some renovation/constructional work was done in between this period.”

The report makes it clear that the petitioner has undertaken some renovation work. The report, however, does not specify what is the exact nature of the construction carried out by the petitioner at the entry gate of the existing garage. It also does not indicate whether such brick work requires any permission from the Corporation.

Learned advocate appearing for the petitioner submits that the petitioner has already completed the renovation work.

In that view of the matter, the Notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 appearing at page 19 of this writ petition is quashed.

Accordingly, **WPA 25012 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)