

S/L 3
27.02.2024
Court No.24
SD

WPA 25759 of 2023

Sisir Kumar Saha
Vs.
The Kolkata Municipal Corporation & Ors.

Mr. Sisir Kumar Saha

... Petitioner in person.

Mr. Alope Kumar Ghosh

Ms. Tanushree Das Gupta

... for the KMC.

Ms. Kakali Samajpaty

... for the State.

Mr. Abhijit Ray

Ms. Aishwarya P. Ganguly

... for the Respondent Nos.9-10.

Mr. Raja Saha

Mr. Sanjoy Mukherjee

... for the Respondent No.16.

The petitioner appears in person.

In the present writ petition, he has prayed for a direction upon the respondent authorities to forthwith demolish the unauthorized construction in Lot-A of 9B, Kashi Dutta Street, Ward No.20, Borough-II of the Kolkata Municipal Corporation.

The petitioner who is a senior citizen submits that several objections were raised before the Corporation praying for demolition of the unauthorized construction of the staircase. He has also prayed for disconnection of the water connection given in Lot-A of the said premises.

As the objection filed by the petitioner is not annexed to the writ petition, leave is granted to the petitioner to submit the said objection before the Executive Engineer, Water Supply of the concerned Borough.

The Executive Engineer shall cause a spot inspection upon prior notice to all the necessary parties to ascertain the exact nature of the unauthorized construction. Copy of the spot inspection report shall be circulated amongst the parties. Thereafter, an opportunity of hearing shall be provided to all the parties. If ultimately unauthorized construction is detected, necessary steps shall be taken to deal with the same in accordance with law.

The Executive Engineer (Civil) and the Executive Engineer (Water supply) shall take necessary steps in the matter at the earliest, but positively within a period of eight weeks from the date of submission of the objection before the respective Department.

The petitioner may submit separate objections before the civil and drainage department of the Corporation for consideration.

The Executive Engineers of the Corporation shall bear in mind that the petitioner is a senior citizen and the notice of spot inspection shall be served upon him at least 48 hours in advance.

In the event, the petitioner intends to obtain filter water connection in his portion then, the petitioner shall comply with the formalities required for the same.

The report filed by the Sub-Assistant Engineer (Civil), Executive Engineer and Assistant Engineer (Civil) signed on February 23, 2024 be retained with the records.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Amrita Sinha, J.)