

21 12.03.2024
NB Ct. 24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 27159 of 2023

Mousumi Ganguly & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Goutam Banerjee,
Ms. Chumki Das Bairagya.
...for the petitioners.

Mr. Srijan Nayak,
Ms. Rituparna Maitra.
...for the KMC.

Mr. Dwarikanath Mukherjee,
Mr. Manik Lal De.
...for the State.

Mr. S. Ganguly.
...for the respondent nos.7&8.

Th petitioners complain of unauthorised construction at premises no. 9A/2, Pitambar Sarkar Lane, Ward No.76, Borough-IX of the Kolkata Municipal Corporation.

Allegation is that construction is being made without maintaining the mandatory side open spaces. Objection was filed before the Corporation which is yet to be disposed of.

Learned advocate representing the private respondents denies the allegation of the petitioners. it has been submitted that construction is being made in accordance with the plan sanctioned.

Learned advocate representing the Corporation relies upon the report forwarded by the engineers of the Corporation mentioning that the site in question was inspected and it was

found that the construction is going on as per the sanctioned plan.

From the report of the Corporation, it is not clear as to whether the mandatory side open spaces have been maintained at the time of raising construction. To ascertain the above, the engineers of the Corporation are directed to cause a spot inspection upon prior notice to both the parties.

The inspection shall be made to ascertain whether the mandatory side open spaces have been maintained at the time of raising construction. The spot inspection report shall be circulated amongst the parties.

If it appears that there is unauthorised construction, then necessary remedial steps shall be taken to deal with the same in accordance with the law.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)