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ORDER SHEET
WPO No.88 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

RAJ KUMAR ROUT
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 4th March, 2024.

Appearance:
Mr. Supratick Syamal, Adv.
...for Petitioner.

Ms. Piyali Sengupta, Adv.
Mr. Altamas Alim, Adv.
...for KMC.

Mr. Rajdeep Bhattacharya, Adv.
Mr. Debashis Banerjee, Adv.
...for Respondent No.5.

Mr. Debangshu Dinda, Adv.
...for the State.

The Court:- The petitioner alleges illegal and unauthorized construction at the behest of the respondent nos.5 & 6. Objection filed against such said unauthorized construction is pending consideration.

Learned advocate representing the respondent no.5 submits that no construction has been made at the behest of the respondent no.5 in the demarcated area purchased by the respondent no.5. Civil Suit is pending consideration in between the petitioner and the respondent no.5 in the learned Trial Court.

None represents the respondent no.6.

Engineers of the Kolkata Municipal Corporation have filed a report before this Court wherefrom it appears that the premises no.8 (portion) Pagladanga Road, Ward No.57, Borough-VII is a vast area and the persons

responsible Monoj Shaw & Ors. have constructed two additional floors over existing one storied building without any sanctioned building plan.

Department has issued stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 on 09.02.2024 in respect of the portion where the construction was found to be made with intimation to the Officer-in-Charge, Tangra Police Station. The matter has been processed under Section 400(1) of the KMC Act.

As it appears from the instruction forwarded by the engineers of the Corporation that unauthorized construction has already been detected, accordingly, the Executive Engineer (building), Borough-VII is directed to take necessary steps to conclude the proceeding to deal with the unauthorized construction in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication of this order. A final order shall be passed and communicated to the parties immediately thereafter.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated 05.01.2024 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Affidavit of service filed in Court today is taken on record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)