

OD-7

ORDER SHEET
WPO No.89 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAMINA HAROON
VERSUS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 26th February, 2024.

Appearance:

Mr. Suddhasatva Banerjee, Adv.
Mr. Shayak Chakraborty, Adv.
Md. Siraj Munir, Adv.
...for Petitioner.

Mr. Achintya Kr. Banerjee, Adv.
Mr. Anand Formania, Adv.
...for KMC.

Mr. Debanik Banerjee, Adv.
Ms. Shaika Khan, Adv.
...for Respondent Nos.6 & 7.

The Court:- The matter relates to certain construction at premises no.70, Rabindra Sarani, Ward No. 43, Borough- V of the Kolkata Municipal Corporation.

It appears from the documents annexed to the writ petition that unauthorized construction at the subject premises was detected by the Kolkata Municipal Corporation in the year 2018. In compliance of the direction passed by this Court on 25.01.2023 in WPA No. 20044 of 2021 (Jahangir Alam & Anr. Vs. The Kolkata Municipal Corporation & Ors.), the engineers of the Corporation have taken steps to deal with the unauthorized construction. The writ petitioner herein, being the person responsible for making such unauthorized construction, intends to stall the same.

The petitioner in the instant writ petition has prayed for a direction upon the Corporation not to take action in the matter without affording an opportunity of hearing to her.

Learned advocate representing the private respondents submits, upon instruction that, the Corporation is taking steps in compliance of the direction passed by this Court. A contempt application alleging non compliance of the Court's direction is pending consideration before this Bench.

Learned advocate representing the Kolkata Municipal Corporation relies upon the instruction forwarded by the engineers of Borough- IV & V signed on 15.02.2024 which mentions that during inspection unauthorized construction of brick work and C.I. shed covering going on at 2nd floor of the premises was detected. As the person(s) responsible could not produce any valid documents in support of the construction work, a stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 was issued with intimation to Bowbazar Police Station. A joint spot inspection was conducted on 05.02.2024 wherein the representative of the writ petitioner was present. Presently the case is under process under Section 400 of the Act.

It appears that the representative of the petitioner was present at the time of spot inspection. The Corporation shall take necessary steps in the matter in accordance with law.

The writ petition stands disposed of.

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

(AMRITA SINHA, J.)