

OD-5

ORDER SHEET

WPO 234 of 2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SMT. JAYASREE CHANDRA
VS.
THE MUNICIPAL COMMISSIONER & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 9th April, 2024.

Mr. Souvick Mitra, Advocate for the petitioner.

Mr. Arijit Dey, Ms. Sabnam De, Advocates for K.M.C.

Mr. Gautam Ray, Advocate for respondent no.4.

Mr. Debjit Mukherjee, Ms. Susmita Chatterjee, Advocates for the State.

Mr. Saurabh Guhathakurata, Mr. A. Sarkar, Advocates
for respondent nos.5 and 6.

The Court : The petitioner complains of illegal and unauthorised construction at the behest of the private respondents at 176, Nimu Goswami Lane, Ward no.20, Borough II of Kolkata Municipal Corporation.

Learned Advocate representing the private respondents denies the allegation of unauthorised construction. It has been submitted that it is an old building which is being reconstructed in accordance with the plan sanctioned by the Corporation.

A report has been prepared and filed by the Executive Engineer/Civil/Building/Borough-II of the Corporation mentioning that the sanctioned plan was obtained for reconstruction of roof, intermediate floor, stair case etc. During inspection it was found that the construction work is

going on beyond the sanctioned plan. Internal partition wall position has shifted, two columns leading from the ground floor level to the roof extended over the roof level and reinforcement bar is open indicating that the person responsible intends to construct further. Section 401 notice under the Kolkata Municipal Corporation Act, 1980 has been issued with intimation to Jorabagan Police Station.

From the report filed by the Corporation it appears that unauthorised construction has indeed been detected.

The Executive Engineer is directed to take prompt necessary steps to deal with such unauthorised construction in accordance with law at the earliest, but positively within four months from the date of communication of this order.

The Officer-in-Charge, Jorabagan Police Station is directed to ensure that construction in any manner whatsoever is not carried out at the subject premises till the matter is finally decided and disposed of by the Executive Engineer of the Corporation.

Report filed by the Jorabagan Police Station be retained with the records.

The writ petition stands disposed of.

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

(AMRITA SINHA, J.)