

OD-11

ORDER SHEET

WPO 264 of 2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

PASCHIMBANG BHOJPURI PARISHAD
VS.
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 9th April, 2024.

Mr. Shambhunath Ray, Ms. Sulagna Sen, Ms.
Amrita Tewari, Ms. Munmun Das, Advocates for the petitioner.

Mr. Gopal Chandra Das, Ms. Manisha Nath, Advocates for K.M.C.

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

Mr. Lalratan Mandal, Mr. S. Ray, Advocates for private respondent.

The Court : The petitioner complains of illegal and unauthorised construction at the premises no. 196, Rabindra Sarani, Ward no.41, Borough V of Kolkata Municipal Corporation. The allegation is that the objection filed against such unauthorised construction has not been considered till date.

Learned Advocate representing the private respondent denies the allegation of unauthorised construction. It has been submitted that the construction is being made in accordance with the plan sanctioned by the Corporation.

Learned Advocate representing the Kolkata Municipal Corporation has received instruction from the engineers of the Corporation which mentions

that departmental inspection revealed that the person responsible demolished the old existing peripheral brick wall at the back side of the roof which is in violation of the sanctioned plan. The department has served stop work notice under Section 401 of the Kolkata Municipal Corporation Act, 1980 on 8th January, 2024 with intimation to Jorasanko Police Station on 9th January, 2024. The Joint Commissioner of Police and the Deputy Commissioner of Police have also been intimated with regard to the unauthorised construction. The demolition sketch plan has been prepared and placed before the higher authority for proceeding under the suitable sub-section of Section 400 of the Kolkata Municipal Corporation Act, 1980.

It appears from the report forwarded by the engineers of the Corporation that unauthorised construction has indeed been detected.

The Executive Engineer is, accordingly, directed to take prompt necessary steps to deal with such unauthorised construction in accordance with law at the earliest.

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

The writ petition stands disposed of.

Affidavit of service filed is taken on record.

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

(AMRITA SINHA, J.)