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WPO No.328 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PRABIR ROYCHOWDHURY
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 6th May, 2024.

Appearance:
Mr. Dyutiman Banerjee, Adv.
Mr. Vishal Mallick, Adv.
...for the Petitioner.

Mr. Fazlul Haque, Adv.
Ms. Paroma Sengupta, Adv.
...for the K.M.C.

Mr. Moloy Dhar, Adv.
Mr. Anupam Some, Adv.
Mr. Arka Banerjee, Adv.
...for Respondent Nos.6, 8 to 10.

Ms. Anjusri Mukherjee, Adv.
Ms. Nilofer Siddique Alam, Adv.
...for the State.

The Court:- Leave granted to the learned Advocate-on-record of the petitioner to correct the name of the respondent no.7 wrongly typed in the cause title of the writ petition. The name should read as 'Pratima Bhowmik' in place and instead of 'Partha Bhowmik'.

The petitioner alleges illegal and unauthorized construction at 2/29, K. P. Roy Lane, Ward No.105, Borough-XII under the jurisdiction of the Kolkata Municipal Corporation. It appears from the documents annexed to the writ

petition that the Corporation has already issued stop work notice in response to the complaint received from the petitioner.

Grievance of the petitioner is that thereafter no steps have been taken to deal with the unauthorized construction.

Learned advocate representing the private respondents submits that the structure in question is nearly seventy years old. Minor repairing work is being done and no new construction, far less unauthorized one, is being carried out.

Learned advocate representing the Kolkata Municipal Corporation has relied upon instruction forwarded by the Executive Engineer (Civil)/Building Department on 29.04.2024. It mentions that on receipt of the complaint, a spot inspection was conducted and it was found that an old existing building was standing. Repairing work was going on along with erection of steel framed truss and tin shed over the roof of the two storied building without any sanction. Department has issued stop work notice on 22.03.2024 with an intimation to the police station.

As it appears from the instruction forwarded by the Executive Engineer that unauthorized construction has been detected, accordingly, steps shall be taken by the Executive Engineer, being the respondent no.4 herein, to deal with such unauthorized construction in accordance with law at the earliest and conclude the proceeding within a period of twelve weeks from the date of communication of this order.

The parties will be at liberty to raise all points and rely upon all documents in support of their respective stand before the Hearing Officer at the time of consideration of the objection filed by the petitioner.

The writ petition stands disposed of.

Appearance of the learned advocates representing the parties was wrongly recoded in the order dated 24.04.2024. The correct appearance will be: Mr. Dyutiman Banerjee, learned advocate for the petitioner and Mr. Moloy Dhar, Mr. Anupam Some, Mr. Arka Banerjee, learned advocates for the respondent nos.6, 8 to 10.

Report filed by the Executive Engineer and the Officer-in-Charge, Garfa Police Station signed on 28.04.2024 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.)