

ORDER SHEET

WPO/348/2024
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

GOPAL DAS
VS
THE KOLKATA MUNICIPAL CORPORATION AND ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 23rd April, 2024.

Appearance:
Mr. Raghunath Chakraborty, Adv.
...For the Petitioner
Mr. Gopal Chandra Das, Adv.
Ms. Paroma Sengupta, Adv.
...For the KMC
Mr. Tarak Nath Halder, Adv.
Mr. Sounak Bhattacharjee, Adv.
Mr. Sagnik Chatterjee, Adv.
...For respondent nos. 6 & 7

The Court: Leave granted to the learned advocate representing the private respondent to file Vakalatnama in the department by tomorrow.

The petitioner complains of illegal and unauthorised construction at 39B, Satcowrie Mitra Lane, Ward No. 14 under Borough – III of the Corporation. The representation filed against such unauthorised construction is alleged to be kept pending.

Learned advocate representing the private respondent denies the allegation of the petitioner. It has been submitted that the petitioner through the promoter is encroaching upon the four feet common space which is lying between the two premises by constructing an underground water reservoir thereat. A civil suit has been filed before the learned Civil Court being Title Suit No. 204 of 2023 against one Pratap Debnath where an order of injunction has been passed.

Learned advocate representing the Corporation has received instruction from the engineers of Borough – III signed on 16th April, 2024 that stop work notice has been issued to the person responsible for making construction with intimation to Maniktala Police Station. Hearing has been fixed by the Corporation on 14th May, 2024.

It appears from the submission made on behalf of the parties that notice of hearing is yet to be served.

The Corporation is directed to proceed with the hearing of the representation filed by the petitioner objecting to the unauthorised construction in accordance with law at the earliest but positively within a period of twelve weeks from the date of communication of this order.

If any consequential step is required to be taken, the same shall be taken by the concerned authority.

It is made clear that the Corporation will not decide the issue of encroachment but will restrict consideration only with the objection regarding unauthorised construction.

The writ petition stands disposed of.

Instruction forwarded by the engineer of the Corporation be taken on record.

Affidavit of service filed in Court is taken on record.

(AMRITA SINHA, J.)

TR/

