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ORDER SHEET
WPO No.378 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SOUMYADIP MAJUMDAR
VERSUS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 17th May, 2024.

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

Mr. Nilanjan Chatterjee, Adv.
Md. Z. Rahaman, Adv.
...for KMC.

Mr. Uttam Banerjee, Adv.
Ms. Smritikana Ghosh, Adv.
...for the Respondent no.7.

Mr. Sayan Ganguly, Adv.
..for the State.

The Court:- The instant writ petition relates to unauthorized construction encroaching the public footpath in front of the premises No.28A, Panditia Road, Ward No.85, Borough-VIII of the Kolkata Municipal Corporation.

The instant issue was brought before this Court by the petitioner in an earlier writ petition being WP No. 12920(W) of 2019 which stood disposed by the Court on 07.01.2020 directing the Corporation to initiate demolition proceeding under Section 400 of the Kolkata Municipal Corporation Act, 1980 within a stipulated time period. The time period stipulated by the Court expired long ago. The petitioner prays for implementation of the said direction.

Learned advocate representing the private respondent submits that the shop room is in existence for quite some time.

Learned advocate representing the Corporation relies upon the report forwarded by the engineers signed on 11.05.2024 mentioning that the earlier order passed by the Court could not be complied with as Corona intervened. Relevant file may be misplaced and the engineers to deal with the file have retired.

Engineers who are holding the post right now seeks time to process the proposal under Section 400 of the Act.

As it appears that unauthorized construction had already been detected and order was passed long back to initiate proceeding under Section 400, accordingly, the instant writ petition is disposed of by directing the Executive Engineer [Civil]/Building/Borough-VIII to take prompt necessary steps to deal with such unauthorized construction at the earliest but positively within a period of twelve weeks from the date of communication of this order. All remedial steps shall be taken to ensure that the unauthorized construction is removed/demolished.

The writ petition stands disposed of.

Leave is granted to the learned advocate of the private respondent to file vakalatnama in the department in course of the day.

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

(AMRITA SINHA, J.)