

OD-12

WPO No.393 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SRI DIPES BANERJEE
VS
THE KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 7th May, 2024.

Appearance:
Mr. Arijit Basu, Adv.
Mr. Pran Gopal Das, Adv.
...for the petitioner.

Mr. Sandipan Banerjee, Adv.
Ms. Manisha Nath, Adv.
Ms. Utsa Dutta, Adv.
...for K.M.C.

Mr. D. Mukherjee, Adv.
Ms. Srijani Mukherjee, Adv.
...for State.

The Court:- The petitioner complains that unauthorized construction is going on at premises no.6A, Jorabagan Street, Ward No.21, Borough-IV of the Kolkata Municipal Corporation.

It has been admitted that part demolition of the unauthorized took place in compliance of the direction passed by the Court on 08.09.2015 in WPO 1013 of 2015. According to the petitioner, demolished portions are being repaired and construction being made again.

Learned advocate representing the Corporation relies upon the instruction forwarded by the engineers of the Corporation signed on

06.05.2024 which mentions that the premises was inspected on 23.04.2024 and it was observed that no construction work was going on at the concerned premises and the building is lying in partly demolished condition. No repairing work is seen to be carried on. Photographs of the construction and the partly demolished portions have been annexed with the report filed by the Corporation.

The petitioner has averred in the writ petition that the petitioner does not have any access to the said premises and is unable to provide any further particulars of illegal/unauthorized construction being carried out. From the above, it appears that the allegation of unauthorized construction made the petitioner cannot be substantiated.

The writ petition fails and is hereby dismissed.

Report filed by the Corporation and the report filed by the Sub Inspector, Jorabagan Police Station signed on 02.03.2024 be retained with the records.

Affidavit of service filed in Court today 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.)