

OD-9

ORDER SHEET

WPO No.407 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAMINA HAROON
VERSUS
KOLKATA MUNICIPAL CORPORATION & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 13th May, 2024.

Appearance:
Mr. Ajitesh Pandey, Adv.
Mr. Younus Sulta, Adv.
...for Petitioners.

Mr. Sandipan Banerjee, Adv.
Ms. Manisha Nath, Adv.
Ms. Kalpita Paul, Adv.
...for KMC

Mr. S. M. Burhanuddin, Adv.
Mr. Shahnaz Begum, Adv.
...for Respondent nos. 7,8,
9,12,13,14,15 & 16.

Ms. Shaika Khan, Adv.
...for Respondent No.10.

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

The Court:- The petitioner complains of illegal and unauthorized construction at the behest of the private respondents at premises no.73C/5, Topsia Road South, Ward no.59, Borough-VII of the Kolkata Municipal Corporation. Objection filed against such unauthorized construction is alleged to be kept pending.

Learned advocate representing the respondent no.10 denies the allegation of the petitioner. It has been submitted that the instant writ petition is a counterblast of an earlier writ petition filed by the respondent no.10 alleging unauthorized construction at the behest of the petitioner herein.

Private respondent nos. 11 and 17 are not represented. Affidavit of service is taken on record.

Learned advocate representing the respondent nos.7,8,9,12,13,14,15 & 16 denies the allegation of the petitioner.

Report has been filed by the engineers of the Corporation signed on 10.05.2024. It mentions that department inspected the premises and found that the person responsible constructed two additional floors in deviation from the four storied sanctioned building plan. Stop work notice has already been issued under Section 401 of the Kolkata Municipal Corporation Act, 1980 with intimation to Topsia Police Station and the Joint Commissioner of Police HQ. Lalbazar and Deputy Commissioner of Police [South East Division] for necessary action and the file has been processed under Section 400 of the Kolkata Municipal Corporation Act, 1980.

As it appears from the report filed by the engineers of the Corporation that unauthorized construction has already been detected, the Corporation is directed to deal with the same in accordance with law, at the earliest and conclude the proceeding positively within a period of twelve weeks from the date of communication of this order. All consequential steps shall be taken by the Corporation immediately thereafter.

The writ petition stands disposed of.

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

(AMRITA SINHA, J.)